

# STATE PAPERS,

(PRESENTED BY COMMAND OF HIS MAJESTY.)

TWO VOLUMES:

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—(2.)—

RELATING TO

THE SLAVE POPULATION

IN THE WEST INDIES, ON THE CONTINENT OF SOUTH AMERICA,

AND AT THE CAPE OF GOOD HOPE:

ALSO,

CORRESPONDENCE

WITH THE BRITISH COMMISSIONERS AT SIERRA LEONE,

THE HAVANNAH, RIO DE JANEIRO, SURINAM, AND FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

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Session

21 November 1826—2 July 1827.

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VOL. XXVI.

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WITH

A GENERAL INDEX TO THE WHOLE.

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1826-7.

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1826-7.





# STATE PAPERS,

(PRESENTED BY COMMAND OF HIS MAJESTY.)

TWO VOLUMES.

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VOL. XXVI.—1826-7.

## BERBICE.

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No. 1.

MY LORD,

*London, 2d June 1825.*

I HAVE the honour of transmitting to your Lordship an extract minute of the proceedings in the Council of Government in the Colony of Berbice, of the 11th February last, by which your Lordship will perceive, that, for the purpose of affording greater facility in framing the intended Order in Council for Berbice, analagous to that now in operation in Trinidad, and for carrying the same into effect, I have recommended that the Colony should be divided into districts, and certain civil Magistrates appointed to each, and their several powers and authorities clearly defined; which recommendation has been acceded to by the Council.

I have, &c.

(Signed)

HENRY BEARD,

Lieut.-Governor of Berbice.

*The Right Hon. Earl Bathurst, K. G.*

&c. &c. &c.

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*Extract from the Register of the Proceedings of the Honourable Council of Government.*

*Friday, 11th February 1825.*

HIS Excellency, with reference to certain provisions of the order intended to be made for the government of the Slave population in this Colony, stated his desire to obtain the opinion of the Council, as to the division of the Colony into districts, the eligibility of persons to fill the office of local Magistrates therein, the powers to be delegated unto them, and the rules to be prescribed for their guidance in the exercise of such authority. His Excellency observing that he considered it would be highly desirable that the members of the Council should, *ex officio*, perform the duties of Magistrates in the districts where they respectively resided.

The Council concurred in opinion with his Excellency, and, having deliberated, stated they considered that the Colony should be divided into districts, as follows:

*East and Corentine Coast*—three districts, viz.

No. 1.—To commence at No. 1, East Coast, and to extend to No. 1, Corentine Coast.

No. 2.—To commence at No. 1, Corentine Coast, and to extend to No. 27 of said coast.

No. 3.—To commence at No. 27, and to extend to extremity of the inhabited part of the said coast, and river Corentine, including the permanent and temporary residences of wood-cutters and settlers on said river.

*West Coast*—two districts, viz.

No. 1.—To commence at Plantation Edward, and to extend to lot No. 27.

No. 2.—To commence at No. 27, and to extend to Abany Creek.

*River*—four districts, viz.

No. 1.—To commence at Plantation Overwinning, and to extend to Plantation Highbury inclusive—East bank of the River.

No. 2.—To commence at the lot of land adjoining Plantation Edward, and extend to Plantation Hoop Van Beter—West bank.

No. 3.—To commence at Plantation Op Hoop Van Beter, and to extend to Plantation Berenstein inclusive—West Bank.

No. 4.—To commence at the lot of land next to Plantation Highbury, and to extend to the extremity of the inhabited part of the river, including all habitations and settlements of wood-cutters on the east side thereof, and on the West bank, all above Plantation Berenstein.

*Canje Creek*—two districts, viz.

East Bank.

West Bank.

The Council further stated that they considered Proprietors or their Representatives should be preferred in the Magistracy to be appointed under said order. That the persons to be delegated should be efficient. That the rules for the exercise of the authority of such Magistrates should be clearly defined. And that on the same being done, the civil powers with which the officers of the Bürger Militia are at present vested be abolished, and their duties confined to services purely military.

It was accordingly resolved, that such regulations should be taken into early consideration.

No. 2.

SIR,

*Downing Street, 25th April 1825.*

I HAVE received your despatch of the 29th of January last, and I am to signify to you His Majesty's approval of the regulation which you have made for the purpose of securing to Slaves the due acquisition of any benefit bequeathed to them.

*Lieutenant-Governor Beard,*  
*&c. &c. &c.*

I have, &c.  
 (Signed) BATHURST.

No. 3.

SIR,

*Downing Street, 17th March 1826.*

I HAVE received His Majesty's commands to desire that in case Governor Beard shall not have arrived in Berbice shortly after you receive this despatch, you will forthwith issue a proclamation in that Colony which shall there carry into effect the whole of the provisions which shall at that time have been adopted by the Court of Policy in Demerara for meliorating the condition of the Slaves. You will, however, make such a modification in the Clause, by which a salary of 14,000 guilders is provided for the Protector of Slaves in Demerara, as will apportion the Protector's salary in Berbice to what you consider to be the relative means of the Colony, and you will make the best selection in your power of an individual to act as Protector until a permanent appointment shall be made by His Majesty, and the person so appointed shall be sent out to assume the office.

I have, &c.  
 (Signed) BATHURST.  
*Officer administering the Government of Berbice.*

No. 4.

SIR,

*Downing Street, 20th March 1826.*

I ENCLOSE to you herewith an Order of the King in Council, bearing date the 30th January 1826, for dissolving the present Council of Government in Berbice, and substituting another. On your arrival in the Colony you will forthwith promulgate this order, and, having convened the new Council, you will lay before them the several documents which I enclose, being copies of the correspondence which has taken place between the Lieutenant-Governor of Demerara and myself, on the subject of the ordinance which has been passed by the Court of Policy, for meliorating the condition of the Slaves in that Colony.

The Council of Government will find in this correspondence the objections which have been urged by that Court against some of the provisions recommended for their adoption, and the explanations by which they have been obviated, and which I am induced to hope will lead to the ultimate adoption of the whole. You will perceive, however, that the Law, as it was first promulgated in Demerara, is imperfect as regards the provisions respecting Sunday labour, Slave property, and compulsory manumissions, and that I have not yet had an opportunity of learning whether the Court of Policy will acquiesce in the reasons which are contained in my despatch of the 25th ultimo, and be induced to make the necessary amendments.

You will, therefore, lose no time in obtaining from the Lieutenant-Governor of Demarara a copy of the ordinance which you shall find to be then in force in the Colony, and lay it likewise before the Council of Government. When that body shall have duly considered these documents, it will be satisfactory to me to learn that they have perceived the expediency of their concurrence with you in promulgating an ordinance embodying the same provisions that were in the first instance contained in the Demerara ordinance; and likewise those at first omitted, and which, if not at length adopted by the Court of Policy, are to be added in the Order of His Majesty in Council, which will be issued to confirm the ordinance. If the Court of Government of Berbice shall be unwilling to adopt any provisions which the Court of Policy may possibly continue to reject, I assure myself that they will at least not hesitate to concur in carrying into effect what that body shall have enacted, and you will immediately proceed to pass, with their advice and consent, an ordinance for meliorating the condition of the Slaves, similar to that which shall be then in force in Demerara, with such modification however, of the clause by which a salary of 14,000 guilders is assigned to the Protector of Slaves in Demerara, as shall apportion that of the Protector in Berbice to what you shall consider to be the relative means of the Colony, as well as the duties of the office. This ordinance will be ultimately confirmed by the King in Council, and if not complete, as promulgated by yourself and the Council, the provisions wanting in it will be then submitted to His Majesty in Council as proper to be supplied by the Royal authority.

*Lieutenant-Governor Beard,*  
*&c. &c. &c.*

I have, &c.  
 (Signed) BATHURST.

No. 5.

SIR,

*Downing Street, 20th March 1826.*

IN directing you to put in force the Demerara Ordinance referred to in my other despatch, I must call to your particular attention that part which relates to the duties of Protectors of Slaves.

I am aware that these duties are in their nature very invidious, and that in the due execution of them it requires, on the one hand, great discretion, so that no inconsiderate encouragement be given to groundless or frivolous accusations by Slaves against those who are placed in authority over them, and great firmness on the other, so as not to compromise the welfare of the Slaves to the fear of giving offence to their masters. I need not, therefore, press upon you to give the Protector of Slaves all the advantage of your countenance and assistance.—But I deem it expedient to instruct you that if, in any prosecutions which he may consider it necessary to advise, you should observe any backwardness in those whose duty it would be to forward them, or any difficulties unjustifiably interposed by any of the existing authorities, you will immediately make me acquainted with such attempts to counteract the beneficial effects of this part of the Ordinance, so that I may be able to take the proper steps for removing them.—And you will from time to time communicate to me the several proceedings which may be instituted by the Protector of Slaves, particularly in the discharge of this part of his duty, and inform me of their result.

*Lieutenant-Governor Beard,*  
*&c. &c. &c.*

I have, &c.  
 (Signed) BATHURST.

## BERBICE.

No. 6.

SIR,

*Downing Street, 20th March 1826.*

WITH reference to my other despatch of this date, I have received the King's commands to desire that in the event (I hope improbable) of your not being enabled to obtain the concurrence of the Council of Government in enacting an Ordinance, similar to whatever Law you may on your arrival in Berbice find to be in force in Demerara, you will then at once carry such Law into effect by a Proclamation in His Majesty's name.

*Lieutenant-Governor Beard,*  
*&c. &c. &c.*

I have, &c.  
 (Signed) BATHURST.

No. 7.

MY LORD,

*King's House, Demerara, 11th May 1826.*

I HAVE had the honour to receive your Lordship's despatch of the 17th March.

*Vide Demerara Papers, presented last Session.*

I shall duly observe the instructions it contains, and as the Court of Policy of this Colony will meet on the 24th instant, for the final consideration of your Lordship's commands, conveyed to me in your despatch of the 25th of February, I shall, at the conclusion of that sitting, know "the whole of the provisions, which shall at that time have been adopted in Demerara;" and I will then, if Lieutenant-Governor Beard shall not have arrived in the mean time, issue a proclamation, carrying the same provisions into effect in Berbice; paying due attention to the provisional appointment of a Protector, and to the proportion of salary to be given him.

I conceive that this arrangement will be in accord with the spirit of His Majesty's commands, since, as I received your Lordship's despatch on the 3d instant, and the sitting of the Court of Policy will probably occupy a few days, about a month will have elapsed between the time of its having reached me, and the issue of the proclamation in Berbice; an interval which will, I think, pretty well answer to the expression of "shortly after the receipt of the despatch," by which I am to be directed in proclaiming the Slave Law, if the Lieutenant-Governor of Berbice should not have arrived.

*The Right Hon. Earl Bathurst, K. G.*  
*&c. &c. &c.*

I have, &c.  
 (Signed) D'URBAN.

No. 8.

SIR,

*Downing Street, 3d June 1826.*

PREVIOUSLY to your taking possession of the very arduous and important situation to which you have been appointed as Protector of Slaves, it is necessary that I should convey to you some special instructions for the regulation of your conduct in the exercise of its various duties.

It will be your particular duty, as Protector of Slaves, to watch over the faithful execution of all such provisions or regulations, with respect to the treatment of Slaves, as are at present in force in Berbice, or as may at any future time be established there by any lawful authority.

You will, if necessary, apply to the local Government for any facilities which may give you more complete opportunities of receiving and considering any complaints which may be preferred by the Slaves against their owners, or any other persons exercising a delegated authority over them, and you will not fail to make a report to the Lieutenant-Governor, which will be transmitted to me, on the subject of any practical impediments which may be found in the execution of any part of your duty.

You will not deem it necessary, in all cases, to wait to receive complaints from the Slaves themselves; but if you shall hear of any unwarrantable treatment to which any Slave, or any gang of Slaves are exposed, you will repair to the estate, and there institute a diligent inquiry into the conduct of those persons who may be responsible upon the occasion.

You will not, however, forget, in the execution of your office, that it is also your duty to secure all the legal rights of the proprietor as well as of the Slave, as far as they are involved in any transaction with you as Protector.

You must exercise a constant discretion in impressing upon the minds of the Slaves, in the most forcible manner, that the measures which have been provided for their protection are in no degree to interfere with the unremitting practice of industry and obedience to which, under prescribed regulations, their owners are by law entitled; but on the contrary, that those duties are the more strictly to be observed by them, in proportion as Law and regulation interpose, to prevent any improper exercise of the authority of the master.

You must explain to them, that although they may always expect to find in you a vigilant friend and protector, in all cases where such protection can be properly required, they will at the same time find you entirely determined to discountenance any frivolous and unfounded complaints which may be preferred against their masters.

You will not fail to make it your early and peculiar study to fix on the mind of the Slaves, by such arguments and explanations as are suited to their state of information and comprehension, the principles which are contained in this letter, and which pervade all that course of legislation which His Majesty's Government have established and recommended in pursuance of the Resolutions of both Houses of Parliament.

I have, &c.  
(Signed) BATHURST.

*David Power, Esq., Protector of Slaves, Berbice.*

No. 9.

MY LORD,

*Berbice, 21st July 1826.*

I HAVE the honour to inform your Lordship, that in obedience to your Lordship's instructions, I convened the new Council of Government as early as possible, after proclaiming the King's order of 30th January last, for dissolving the late Council, and laid before them your Lordship's despatch of the 20th March last, and the documents therein referred to; and also the Demerara Ordinance for the religious instruction of Slaves, and bettering their condition; together with a despatch which I had received on that subject, from the Lieutenant-Governor of that Colony, and I now have the honour of transmitting to your Lordship minutes of the proceedings of Council on this important matter on the 20th instant. It is my pleasing duty to state to your Lordship, that the new Council of Government have evinced their perfect readiness to meet the views of His Majesty's Government, as far as they possibly can, and I hope with as little delay as possible, to put the new measures for meliorating the condition of the Slave population in this Colony, into satisfactory operation.

I have, &c.  
(Signed) HENRY BEARD.

*The Right Hon. Earl Bathurst, K. G.*  
&c. &c. &c.

*Extract from the Register of the Proceedings of the Honourable the Council of Government.*

*Thursday, 20th July 1826.*

The Lieutenant-Governor stated that he had now to bring under the consideration of the Council a subject of considerable importance, viz. the proposed Ordinance for meliorating the condition of the Slaves in this Colony; and his Excellency was assured that the Council would give the matter their most serious and unbiassed attention, which he trusted might enable him to report satisfactorily thereon to His Majesty's Government.

A dispatch bearing date 20th March 1826, addressed by the Right Honourable the Earl Bathurst, to the Lieutenant-Governor on the subject of said Ordinance was then read. (*Vide Appendix.*)

The correspondence referred to in said despatch was then laid on the table, and his Excellency said he had applied to the Lieutenant-Governor of Deme-

rara for a copy of the Slave Ordinance now in force in that Colony, as also for the further information desired; to which his Excellency had received an answer from the Lieutenant-Governor, dated the 13th instant, transmitting a copy of said Ordinance, and stating that the ultimate consideration of the provisions deemed by His Majesty's Government essential to complete said Ordinance, was to be entered into by his Excellency, in conjunction with the Court of Policy, on the 31st instant, when he would not fail to transmit without delay the result. The despatch was then read as follows:

SIR,

*King's House, Demerara, 13th July 1826.*

I have had the honour to receive your Excellency's despatch of the 10th instant, and I herewith transmit accordingly the Slave Ordinance now in force in Demerara, with respect to which I refer your Excellency, in explanation, to No. 2, of my memorandum of the 6th instant, forwarded to your Excellency on the 9th instant.

In all probability your Excellency already has the Parliamentary Papers which I also enclose. Lord Bathurst's despatch, No. 5, page 119, of those papers, contains his Lordship's remarks upon the 9th, 27th, and 29th articles of the Ordinance, the ultimate consideration of which (as I have already had the honour to inform your Excellency) I am to enter into with the Court of Policy on the 31st instant; and I will not fail to transmit to your Excellency without delay, the result of that sitting.

I have, &c.

(Signed) B. D'URBAN.

After which his Excellency said, that immediately on receipt of the promised information from Demerara, he would convoke the Council, and submit the same for their further consideration.

The Council thanked his Excellency for the communication, said they were anxious to be informed of the ultimate view which the local Government of Demerara may take of the required provisions of the intended Ordinance, respecting Sunday labour, Slave property, and compulsory manumissions, further stated that they would immediately proceed to examine the various documents, and readily co-operate with his Excellency in carrying into effect the objects of His Majesty's Government, as far as they possibly could.

## No. 10.

MY LORD,

*Berbice, August 16th 1826.*

I HAVE the honour to transmit to your Lordship the minutes of the proceedings in Council on the 8th instant, on the subject of the new Slave Code for this Colony, and also the copy of a letter which I have subsequently received from Sir Benjamin D'Urban, relative to the proceedings of the Court of Policy at Demerara on the proposed amendments to the Slave Code now in force in that Colony. I had summoned the Council, to take these important measures into consideration, to-day, but on account of the indisposition of some of the members, I have been obliged to postpone their meeting until Monday next.

Although I cannot pledge myself for their adoption of the amendments proposed by your Lordship to the Demerara Code, yet from the feeling which appears to me to prevail amongst the Council, and discussions which I have had with some of the members on the subject, I flatter myself with the hope that I shall be able to carry the wishes of His Majesty's Government into effect, and very shortly make a satisfactory report of my proceedings thereon to your Lordship.

I have, &c.

(Signed) H. BEARD.

*The Right Hon. Earl Bathurst, K. G.*  
&c. &c. &c.

6th August 1826.

*Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.*

*Tuesday, 8th August 1826.*

Present.

His Excellency Henry Beard, Esq. Lieutenant-Governor; and the Honourable W. Scott; Charles Kyte; Wm. Campbell; James Culley; T. A. Jones; and John S. Usher.

(After Prayers.)

His Excellency called the attention of the Council to the Slave Ordinance intended to be passed in this Colony, and requested to be informed whether members had been able yet to examine the Demerara Ordinance, and the numerous papers and documents on that subject, which he had submitted to the Council for their consideration on the 20th and 22d July last, observing, at the same time, that he had not yet received the expected information from Demerara relative to the result of the deliberations of the Court of Policy on the proposed amendments to their Slave Code, as regarded manumissions, Sunday labour, and Slave property.

The Council said that they had maturely considered the subject, and the various papers and documents relative thereto, which had been submitted to them by his Excellency, and that they were perfectly ready and willing to co-operate with him in framing and giving effect to the proposed Ordinance without any unnecessary delay; but at the same time they observed, that as it was extremely desirable that they should know, if possible, the result of the deliberations of the Court of Policy in Demerara on the proposed amendments to their Code, previous to coming to any final conclusion on this important subject, they submitted to his Excellency the expediency of waiting a few days for the arrival of the promised information.

His Excellency replied that he was fully assured of the readiness of the Council to co-operate in giving effect to the objects of His Majesty's Government on this matter as early as possible; and as he concurred with the Council in opinion, that it was important to receive the expected information thereon before finally settling the proposed Code for this Colony, he would, at the rising of the Council to-day, adjourn it until to-morrow week, when he hoped to be able to lay the required information before them.

SIR,

*King's House, Demerara, 6th August 1826.*

WITH reference to my communications of the 6th and 13th of last month, I have the honour to inform your Excellency, that the Court of Policy of this Colony has been occupied upon the Slave Code during the whole of last week, and has concluded its deliberations thereon.

No alteration, however, has resulted to the Code, which, therefore, remains precisely the same as in the copy which I had the honour to transmit to your Excellency with my despatch of 13th July.

There is, however, a short supplementary clause which followed the Code, prescribing a form of Punishment Record Book, and which I think I did not send to your Excellency together with it. I now transmit it.

I have, &c.

(Signed)

B. D'URBAN.

*His Excellency Lieut.-Governor Beard, &c. &c. Berbice.*

No. 11.

MY LORD,

*Berbice, 31st August 1826.*

I HAVE the honour to transmit to your Lordship extract minutes of the proceedings in Council on the 21st, 23d, and 24th of the present month, rela-



tive to the intended new Slave Code for this Colony, and I flatter myself that it will be satisfactory to your Lordship to learn that the Council have proceeded with persevering industry in adapting the Demerara Code to the circumstances of this Colony, and at the same time embodying in it (under certain modifications) the amendments proposed by your Lordship regarding Sunday labour, Slave property, and compulsory manumissions, in your Lordship's despatch of the 25th February last, to the Lieutenant-Governor of Demerara.

I hope to have the new Code completed in a few days more, and shall then lose no time in promulgating it, and transmitting it to your Lordship.

I have, &c.

(Signed) H. BEARD.

*The Right Hon. Earl Bathurst, K. G.*  
&c. &c. &c.

*Extract from the Register of the Proceedings of the Council of Government of the Colony of Berbice.*

*Monday, 21st August 1826.*

(After Prayers.)

His Excellency stated that he had convened the Council for the purpose of again taking into consideration the new Slave Code, and laying before them a despatch which he had received since their last meeting from Sir B. D'Urban, Lieutenant-Governor of Demerara, dated the 6th instant, conveying the result of the deliberations of the Court of Policy in that Colony on the proposed amendments to their Slave Code.

The Secretary then read the despatch, which is as follows :

"SIR, " *King's House, Demerara, 6th August 1826.*

"With reference to my communication of the 6th and 13th of last month, "I have the honour to inform your Excellency, that the Court of Policy of this "Colony has been occupied upon the Slave Code during the whole of the last "week, and has concluded its deliberations thereon.

"No alteration, however, has resulted to the Code, which, therefore, remains "precisely the same as in the copy which I had the honour to transmit to "your Excellency with my despatch of the 13th July.

"There is, however, a short supplementary clause, which followed the Code, "prescribing a form of Punishment Record Book, and which I think I did not "send to your Excellency together with it. I now transmit it.

"I have, &c.

"(Signed) B. D'URBAN."

*To his Excellency Lieut.-Governor Beard, &c. &c. Berbice.*

His Excellency then observed, that he hoped the Council had fully considered all the papers which had been laid before them on this subject, and that they would now proceed with him in preparing the Ordinance to be issued in this Colony at the earliest possible period, in order that it might be published, and put into operation a sufficient length of time before the Christmas holidays.

His Excellency observed, that he hoped the Council would at the same time give their most earnest consideration to the proposed amendments, and make the intended Slave Code in this Colony as consistent as possible with the views of his Majesty's Government.

After some discussion, the members proposed to meet at the Court House to-morrow morning at 7 o'clock, to examine and make their observations on the Demerara Code, and afterwards to attend his Excellency in Council at 10 o'clock, which was agreed to.

*Extract from the Register of the Proceedings of the Honourable the Council  
of Government of the Colony of Berbice.*

*Wednesday, 23d August 1826.*

(After Prayers.)

The Council resumed the further consideration of the proposed new Slave Code for meliorating the condition of that part of the population in this Colony, and after discussing at considerable length several clauses of the Demerara Code, and particularly the amendments which had been proposed thereto, and deemed essentially necessary by His Majesty's Government, viz.—compensation to Slaves for labour of absolute necessity performed for the benefit of their owners on Sunday; the eligibility of Slaves to hold land as well as other property; and the right of Slaves to purchase their own freedom from their owners on equitable terms; the said amendments were, under certain modifications, adopted, and agreed to be introduced into the new Code. The Council then took into consideration the clause of the Demerara Code with respect to the admissibility of Slave evidence, subject to the same rules as govern the competency of persons of free condition; when, after considerable discussion on this clause, which was protracted to a late hour, and there being a difference of opinion thereon, his Excellency proposed to adjourn the further consideration of this clause, and the remaining clauses of the Code, until to-morrow morning at 10 o'clock, which was agreed to, and the Council, after prayers, adjourned accordingly.

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*Extract from the Registers of the Proceedings of the Honourable the Council  
of Government of the Colony of Berbice.*

*Thursday, 24th August 1826.*

(After Prayers.)

The Council resumed the consideration of the proposed new Slave Code, and after comparing the clause of the Demerara Code with the clause of the Trinidad Order in Council, as to the admissibility of Slave testimony, and discussing at considerable length the principles and effects of these clauses, the Council agreed to adopt the Trinidad clause on this subject.

The Council having completed their examination of the several clauses in the Demerara new Slave Code now in force in that Colony, and fully deliberated thereon, and made such alterations and amendments therein, and additions thereto, as they considered necessary for framing the new Slave Code for this Colony, and meeting the views of His Majesty's Government relative thereto, directed the Secretary to prepare as speedily as possible a draft of the intended Code, in order that it might be revised and finally considered at the next meeting of the Council.

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No. 12.

MY LORD,

*Berbice, 22d September 1826.*

I HAVE the honour to transmit to your Lordship extracts from the minutes of the proceedings in Council of the 30th August last, 13th, 14th, and 20th of the present month, regarding the new Slave Code for this Colony, which is now so far completed that I hope to be able to publish it next week, and forward it to your Lordship by the first opportunity. I propose to bring it into operation on the 1st November next, and I flatter myself that the harmony and good feeling which have prevailed in the Council during the discussion of these im-

portant measures, and the unanimity with which the amendments to the Demerara Code have been made, with a sincere desire to meet the views of His Majesty's Government, will prove satisfactory to your Lordship.

I have, &c.  
(Signed)

H. BEARD.

*The Right Hon. Earl Bathurst, K. G.*  
&c. &c. &c.

*Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.*

*Wednesday, 30th August 1826.*

(After Prayers.)

The Council then proceeded to revise and consider the draft of the intended Code for the melioration of the condition of the Slave population in this Colony, when a difficulty occurred as to the extent of the authority of the Deputy Fiscals in Demerara (similar officers in this Colony under the title of Civil Magistrates, being proposed as Assistant Protectors of Slaves), and as the Council deemed it essential to define the duties of such officers clearly, and not leave the proposed Code subject to any avoidable difficulty in its execution, they submitted the propriety of obtaining from Demerara information thereon previous to finally settling the Code for this Colony; to which his Excellency acceded. And as his Excellency stated that he had already written to Sir Benjamin D'Urban on this subject, and expected an answer in three or four days, it was agreed to adjourn the Council until the answer should arrive.

*Extract from the Register of the Proceedings of the Council of Government of the Colony of Berbice.*

Present.

His Excellency Henry Beard, Esq., Lieutenant-Governor, and the Honourables Charles Kyte, Wm. Campbell, and T. A. Jones.

Absent.

Wm. Scott, James Culley, and John S. Usher.

*Wednesday, 13th September 1826.*

(After Prayers.)

His Excellency stated that he had obtained from the Lieutenant-Governor of Demerara the information desired at the last meeting, relative to the extent of the authority of the Deputy Fiscals and Assistant Protectors of Slaves, as also the regulations for the tread-mill erected in the gaol of Demerara, as the means of correctional punishment, which was accordingly read.

(*Vide Appendix.*)

His Excellency further stated, that he would defer the final consideration of the draft of the intended Code for the melioration of the condition of the Slave population until to-morrow, when he hoped the members at present indisposed might be able to attend.

*Extract from the Register of the Proceedings of the Honourable the Council  
of Government of the Colony Berbice.*

Present.

His Excellency Henry Beard, Esq., Lieutenant-Governor, and the Honourables  
Charles Kyte, Wm. Campbell, James Culley, and T. A. Jones.

Absent.

Wm. Scott, and J. S. Usher.

Thursday, 14th September 1826.

(After Prayers.)

The draft for the intended Code for the melioration of the Slave population was then read, and after the several clauses and amendments and additions had been discussed and maturely considered, the draft was finally approved of, and the Secretary was directed to prepare a fair copy of it, and deliver it as early as possible to his Excellency, who stated that he would at the earliest convenient day after the receipt thereof, convene the Council for the purpose of finally passing and signing the said Code, at which time he hoped there would be a full attendance of the Council.

*Extract from the Register of the Proceedings of the Honourable the Council  
of Government of the Colony of Berbice.*

Present.

His Excellency Henry Beard, Esq., Lieutenant-Governor, and the Honourables  
Wm. Scott, Charles Kyte, Wm. Campbell, James Culley, and T. A. Jones.

Absent.

John S. Usher.

Wednesday, 20th September 1826.

(After Prayers.)

His Excellency stated that the Secretary, pursuant to direction given on the 14th instant, had prepared a fair copy of the draft of the intended Code for the melioration of the Slave population in this Colony, and that his Excellency had convened the Council for the purpose of finally passing and signing said Code.

The Secretary then proceeded to read the same, article by article, to several of which certain verbal and other amendments and additions were made, when, having proceeded as far as the clause directing the \* keeping of a Marriage and Birth Record Book, his Excellency proposed, as it was four o'clock of the day, to adjourn the further reading of the said Code until to-morrow morning at ten o'clock, which was agreed to.

\* An amendment is made to the 26th clause of the Demerara Code, by which it is made compulsory, under a penalty, on proprietors to keep an accurate record of all marriages and births of Slaves upon estates, to be transmitted to the Protector whenever he may require it.

MY LORD,

*Berbice, 23d October 1826.*

25th September 1826.

I HAVE the honour to transmit to your Lordship the new Code, which, with the unanimous concurrence of the Council, has been passed for promoting the religious instruction and bettering the state and condition of the Slave population in His Majesty's Colony of Berbice; and also a minute made by the Council on passing and signing this document.

25th September 1826.

This Ordinance has been framed upon the model of the Code now in operation in Demerara, with such amendments and additions, however, as local circumstances rendered necessary, and more particularly with due attention to such amendments as your Lordship's letter of the 25th February last, to the Lieutenant-Governor of Demerara, pointed out, as regards Sunday labour, the right of Slaves to hold property in land, and the right to be given to a Slave to purchase his manumission without the consent of his owner.

To these three principal points I will now proceed to draw your Lordship's more immediate attention, respectfully referring your Lordship to the manuscript Code itself for those amendments and additions which are of a minor description, but which I trust your Lordship will nevertheless consider of some importance.

With respect to Sunday labour, your Lordship will perceive, on reference to the 9th clause of the Berbice Code (B), that "it is strictly provided that the several descriptions of exigible labour" (previously enumerated) "are to be only performed for wages to be paid to the Slave himself or herself in the currency of the Colony, and not by any parts or portions of the produce of the crops which may accrue to the proprietor from such labour."

By the 27th clause, the right of Slaves to possess landed as well as other property in the Colony, is established by law under the following provisions, namely, "That nothing hereinbefore contained shall extend or be construed "to extend to affect or prejudice the right of property which the proprietor or "owner legally has in or to his Slave or Slaves; and his or her services shall "in no manner be alienated, diminished, or deteriorated by the possession of "any land or other property as aforesaid, which any such Slave or Slaves may "by virtue hereof legally acquire; but such land or other property so acquired "by such Slave or Slaves as aforesaid, shall alone be considered and remain "liable to and for any debt or debts, of whatsoever nature or kind, which such "Slave or Slaves may at any time incur for or in respect of any such land or "other property as aforesaid; and the person or persons of the said Slave or "Slaves shall be for ever freed and discharged from all liability for or on account of any such debt or debts."

These provisions have been considered necessary to secure to the proprietor his right of property in his Slaves, and to their undiminished services.

With reference to the third and most important point, and which is considered "a vital part of the whole measure," namely, the right to be given to the Slave to purchase his manumission, without the consent of his owner, I have great satisfaction in referring your Lordship to the 31st, 32d, 33d, and 34th clauses of the Code, by which your Lordship will find that this right is clearly established by law, subject, however, to certain restrictions, which will be found in the concluding part of the 34th clause, namely, "Provided always "that nothing hereinbefore contained shall extend, or be construed to extend, "to entitle any Slave or Slaves within this Colony to purchase the freedom of "himself, herself, or themselves, or of his or her wife, or husband, or child, or "brother, or sister, or reputed wife, or husband, or child, or brother, or sister, "without the consent of his, her, or their owner or owners, unless it shall be "made to appear, to the satisfaction of the Protector or Deputy Protector of "Slaves (as the case may be), that the money wherewith such Slave or Slaves "may propose to purchase his, her, or their freedom as aforesaid, arises from "the earnings of his, her, or their own honest industry, or has been bequeathed "unto him, her, or them, by last will and testament, or acquired by legal or "testamentary succession; and also that sufficient proof has been exhibited "unto him, the said Protector or Deputy Protector of Slaves (as the case may "be), that such Slave or Slaves has or have conducted himself, herself, or themselves, honestly and faithfully for the period of five years then next preceding

"such application for manumission. And provided also, that nothing herein-  
"before contained shall extend, or be considered to extend, to entitle any such  
"Slave or Slaves to purchase his, her, or their freedom as aforesaid, where the  
"Slave or Slaves proposed to be manumitted shall have been convicted of lar-  
"ceny, or shall have suffered corporal punishment under the sentence of any  
"court of competent jurisdiction, within the period of seven years next pre-  
"ceding his, her, or their application for manumission as aforesaid."

With respect to prosecutions to be directed by the President of the Courts of Justice on the applications of Slaves, and power to be granted to the Protector to bring or defend any action in respect of the property of the Slave, I take the liberty of observing to your Lordship, that before the passing of this Ordinance, prosecutions could be, and have been, directed by the President, or commenced by the Fiscal, on the application of Slaves having just ground of complaint against their owners, or other persons; however, as your Lordship has suggested the propriety of special authority being granted by the Ordinance to the President of the Court of Justice, and to the Protector of Slaves, for these purposes, due provision has been made therein accordingly, as will appear by the following extract from the 8th clause of the Ordinance: "And in case  
"in the complaint of any Slave or Slaves, it shall appear to the President of  
"the Court of Criminal Justice of this Colony, that the offence charged therein  
"should be prosecuted, it shall and may be lawful for, and the said President  
"is hereby fully empowered to direct the prosecution thereof, in manner as is  
"by law established.

"And in case the Protector or Deputy Protector of Slaves (as the case may  
"be) in this Colony, on the application of any Slave or Slaves desirous to bring,  
"maintain, and prosecute any suit or action in any Court of Justice in this  
"Colony, for or in respect of any such claim of freedom, or right to property  
"which he, she, or they, is or are hereafter declared competent to acquire,  
"should consider that the said Slave or Slaves has or have good, just, and  
"legal grounds of suit or action in respect thereof, then and in every such case  
"it shall and may be lawful for, and he the said Protector, or Deputy Protec-  
"tor of Slaves (as the case may be), is hereby fully empowered to commence  
"and prosecute such suit or action in behalf of such Slave or Slaves, in manner  
"and form as prescribed by law, with respect to persons of free condition."

I believe I have now drawn your Lordship's attention to the most important features in the Berbice Ordinance, and I venture to flatter myself with the hope that the principles which have been adopted, and the enactments made therein, with an anxious desire to meet and accomplish the views of His Majesty's Government on this important, and difficult, and delicate subject, will be considered worthy of your Lordship's approbation.

To the members of the new Council of Government my warmest acknowledgments are due, for the readiness and unceasing zeal with which they have at all times entered upon the discussion of the most difficult topics connected with these new measures, the unanimity which has throughout prevailed between the Council and myself, and the facilities which they have thus afforded me in carrying (as I hope, satisfactorily) His Majesty's commands into effect.

I must respectfully claim your Lordship's indulgence for the many errors which no doubt will be apparent on the face of this Ordinance, and the want of technicality in the expression of its several provisions. The haste with which it has been framed, with a view to putting it in force a sufficient length of time, to deprive it of its novelty, and make it well understood by the Slave population before the commencement of the Christmas holidays, will, I hope, be some excuse for its errors, and the necessity there was to use popular language rather than legal phrases in framing it, so as to make it more easily intelligible to the particular persons to be affected by it, as well as to afford greater facilities to that class of persons who are required to co-operate in carrying it into effect, I trust will be a sufficient excuse for the absence of those strict legal forms and technicalities which would, under other circumstances, be desirable and necessary in a public document of so much importance.

I have, &c.  
(Signed) H. BEARD.

*The Right Hon. Earl Bathurst, K. G.*  
&c. &c. &c.

*An Ordinance for promoting the Religious Instruction and bettering the State and Condition of the Slave Population in His Majesty's Colony of Berbice.*

*Note.*—The part printed in italics point out the several deviations from and amendments to the Demerara Slave Code of the 7th September 1825. And also the additional clauses.

## BERBICE.

*Publication.*

By his Excellency Henry Beard, Esquire, Lieutenant-Governor and Commander-in-Chief in and over the Colony of Berbice and its Dependencies, &c. &c. President of all Courts and Colleges within the same, sole Judge of the Vice Admiralty Court, &c. &c. and the Honourable the Council of Government of said Colony.

To all to whom these Presents shall or may come greeting, be it known,

WHEREAS it is necessary and expedient that further provision should be made for the religious instruction of the Slaves in this Colony, and the improvement of their state and condition. And whereas His Majesty has been pleased to appoint a Protector of Slaves in this Colony, and it is expedient that the said office should be fully established, and due provision made for such Protector, and that the authority and several duties of said Protector be clearly and distinctly defined.

1.—Be it therefore, and it is hereby ordered, that such Protector of Slaves shall receive and be paid, at the times and in the manner hereinafter mentioned, a salary, at and after the rate of fourteen thousand two hundred and fifty guilders per annum out of the ordinary revenues of the Colony, subject, however, to the confirmation thereof by or such alteration therein as His Majesty may be pleased to direct. And that such Protector of Slaves entering on such office shall appear before the Lieutenant-Governor, or Acting Lieutenant-Governor, for the time being of this Colony, and in his presence shall take and subscribe an oath, in the following words :

“ I, A. B. do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of Protector of Slaves in the Colony of Berbice, without fear, favour, or partiality, So help me God.”

2.—And it is hereby further ordered, that the said Protector of Slaves shall establish and keep an office in New Amsterdam, and shall regularly attend at such office on such days and during such hours of the day as the Lieutenant-Governor, or Acting Lieutenant-Governor, of this Colony, by any general or special order to be by him from time to time issued, may appoint ; and shall at such office, and not elsewhere, keep, deposit, and preserve the several records, books, papers, and writings hereinafter directed to be kept by him.

3.—And it is further ordered, that the said Protector of Slaves shall not be the owner or proprietor of any plantation situate within this Colony, or of any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture ; and shall not have any share or interest in, or any mortgage or security upon, any such plantation, Slave or Slaves, and shall and is hereby declared to be incompetent to act as, or be the manager, overseer, agent, or attorney, of, for, or upon any plantation or estate within this colony ; or to act as the guardian, trustee, or executor of any person or persons having or being entitled to any such plantation, or any Slave or Slaves. And in case any such Protector of Slaves within this Colony shall have, acquire, hold, or possess, either in his own right, or in the right of his wife, or in trust for any other person or persons, any plantation situate within this Colony, or any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture, or any share or interest in, or mortgage or security upon any such plantation or Slave or Slaves ; or shall act as manager, overseer, agent, attorney, guardian, trustee, or executor as aforesaid, he shall thenceforth, *de facto*, cease to be such Protector of Slaves, and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office ; Provided nevertheless, that all acts which may be done by, or by order of any such Protector of Slaves, after such avoidance as aforesaid of such his office, and

before the same shall, by public notice in the Gazette of this Colony, be declared void, shall be as valid and effectual in the law, as if no such avoidance of office had occurred.

4.—And it is further ordered, that the said Protector of Slaves shall be resident within this Colony, and shall not quit the same without a special licence, to be granted for that purpose by His Majesty, through one of His Principal Secretaries of State, or by the Lieutenant-Governor, or acting Lieutenant-Governor, for the time being of this Colony; and no such licence shall in any case be granted by the Lieutenant-Governor, or acting Lieutenant-Governor, for any time exceeding three months, nor shall any such licence be granted by any such Lieutenant-Governor, or acting Lieutenant-Governor, as aforesaid, unless it shall be made to appear to him, on the oath of some Medical Practitioner, that such absence is necessary for the recovery of the health of the said Protector of Slaves.

5.—And it is further ordered, that upon the death or resignation of the said Protector of Slaves, or in the event of his sickness or other bodily or mental incapacity, or during his temporary absence from this Colony, it shall be lawful for the Lieutenant-Governor, or acting Lieutenant-Governor, to nominate and appoint some other fit and proper person to act as the Protector, or as the deputy for the said Protector of Slaves (as the case may be), until His Majesty's pleasure shall be known; and the said deputy shall receive such allowance, to be deducted from and out of the salary of the said Protector of Slaves, as the Lieutenant-Governor, or acting Lieutenant-Governor, for the time being of this Colony, shall be pleased to appoint. Provided always that the person to be appointed as deputy Protector, shall, if in all other respects qualified for the office, be selected from those who are neither proprietors of Slaves, nor have any interest in Slave property; unless it be impossible to find a proper person not possessed of such property, and willing to undertake the trust, and competent to the efficient and faithful execution of it, whereby it may become absolutely necessary to appoint one interested in Slave property, in which case, it shall be the duty of the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, to transmit to His Majesty's Secretary of State, a statement of the peculiar circumstances justifying the departure from the general law. Provided that the Protector of Slaves in this Colony shall at all times perform his duty in person and not by deputy, except only in cases in which the Lieutenant-Governor, or acting Lieutenant-Governor of this Colony, is hereinbefore authorised to appoint a deputy for that purpose.

6.—And it is hereby further ordered, that the said Protector, or deputy Protector of Slaves (as the case may be), shall have power to administer an oath in all matters relating to the duties of his office, and all such authority of what nature or kind soever as is now or hereafter may be by Law vested, as regards the Slave population, in the civil Magistrates of the several districts of this Colony, for the maintenance of the public peace and good order, shall be, and the same is hereby vested in the said Protector, or deputy Protector of Slaves (as the case may be), to be by him exercised throughout each and every district of this Colony.

7.—And it is hereby further ordered, that the said civil Magistrates of the several districts within this Colony shall be, and they are hereby declared to be, assistant Protectors of Slaves, in their several and respective districts; and the said respective civil Magistrates shall, and are hereby required, in their several and respective districts, to be aiding and assisting the Protector of Slaves, or the deputy Protector (as the case may be), in the execution of the power hereby committed to him; and for that purpose to obey and carry into execution, such lawful instructions as they may from time to time receive from him, about or in relation to the matters herein mentioned, or any of them.

8.—And it is hereby further ordered, for the purpose of securing the impartial execution of justice in all cases in which Slaves may be parties concerned, that whenever it may become the duty of the Fiscal to institute a criminal prosecution against a Slave (which prosecution is always to be carried on as heretofore, in the same manner as against every person of free condition), it shall be his duty, when applying to the Court of Criminal Justice, or in non-session, to the President of said Court, for authorization to institute such



criminal action, suit, or prosecution, to demand, at the same time, the appointment of one or more advocates (according to the nature of the charge), to defend such Slave in the suit to be commenced against him, when it shall be the duty of the said Court of *criminal Justice*, or the President thereof, to whom the application is made, to appoint such advocate or advocates without any delay. Provided always that such advocate shall not be allowed to interfere in such proceedings in any other manner than what would be legal according to the Criminal Law, and the practice thereof, as it is established in the Colony, if the party accused and under trial were a person of free condition.

And in order to secure the zealous and active exertion on the part of such advocates, in the defence of such Slave or Slaves, they shall be entitled to such fees as shall have been taxed and certified by the Court of *criminal Justice* as due to them, the amount whereof shall be ordered by the *Lieutenant-Governor, or acting Lieutenant-Governor, in Council of Government*, to be paid to them out of the Colonial chest, on proper application being made for the same. *And in case, on the complaint of any Slave or Slaves, it shall appear to the President of the Court of criminal Justice of this Colony that the offence charged therein should be prosecuted, it shall and may be lawful, and the said President is hereby fully empowered to direct the prosecution thereof, in manner as is by Law established.* And, in all civil suits concerning the right of any alleged Slave to freedom, or where any question shall arise respecting the right of any Slave to any such property as he or she is herein-after declared competent to acquire, then, and in every such case, such notice shall be given to the Protector, or *deputy Protector of Slaves (as the case may be)*, of every such action, suit, or prosecution, as according to the law of this Colony would be given to the said Slave if he or she were of free condition. *And in case the Protector, or deputy Protector of Slaves (as the case may be), in this Colony, on the application of any Slave or Slaves desirous to bring, maintain, and prosecute any action or suit, in any Court of Justice in this Colony, for, or in respect of any such claim to freedom or right of property, which he, she, or they is or are hereafter declared competent to acquire, should consider that the said Slave or Slaves have good, just, and legal grounds of suit or action in respect thereof, then, and in every such case, it shall and may be lawful for, and he the said Protector, or deputy Protector of Slaves (as the case may be), is hereby fully empowered to commence and prosecute such suit or action, in behalf of such Slave or Slaves, in manner and form as prescribed by Law with respect to persons of free condition.* And the Protector, or *deputy Protector (as the case may be)*, may if he see fit, attend the trial or hearing, and all other proceedings, in every such suit or action as the Protector, or *deputy Protector (as the case may be)* of such Slave or Slaves, and on his, her, or *their* behalf, to act therein in such manner as may be most conducive to the benefit and advantage of any such Slave or Slaves.

9.—And it is hereby further ordered, that if any person or persons within this Colony shall work, or employ any Slave at any time between sunset on Saturday, and sunrise on Monday next following, or shall, during that period, procure, induce, or compel any Slave to perform or engage in any labour for the profit or advantage of his or her owner, manager, or employer, or of any other person or persons, the person or persons so offending shall incur and become liable to a fine of six hundred guilders for every such offence: Provided, nevertheless, that the exemption from labour, which is thus secured to the Slaves during the period before mentioned, shall not authorise them to leave the estates to which they belong without having *previously* obtained permission from their owner, manager, employer, or *other person having charge of them*; but they shall, during that period, continue to remain subject to such regulations as are established by Law, as well for their own protection, as for the preservation of good order, and the general tranquillity of the Colony. Provided also, that nothing herein contained shall extend, or be construed to extend, to prevent the weekly allowance and rations being delivered to the Slaves on Sunday morning; which *shall* not, however, be protracted beyond the hour of eight A.M. Provided also, that nothing herein contained shall extend, or be construed to extend, to any work or labour which, from local circumstances, or other *unavoidable* causes, render certain exceptions necessary, which are confined to the following:

First.—All labour performed by a Slave in the domestic service of his or her master or *mistress*, or in the preservation or tending of cattle, or any live stock, on any plantation.

Secondly.—Labour performed by nurses in hospitals, by watchmen, and by persons engaged in the interment of the dead.

Thirdly.—Such labour as may be necessary to prevent or remedy the damage arising from breaches in the dams, conflagrations, hurricanes, and other casualties of the like nature.

Fourthly.—Every other description of labour which, though not specified in terms in the three preceding exceptions, is of the same general nature, and referable to the same general principle.

Fifthly.—All labour undertaken for the preservation of the crops upon any estate, under the following provisions:

A.—That, in order to avoid all ambiguity in explaining the term “preservation of the crops,” it is to be well understood that, on sugar estates, it shall mean nothing more than boiling off the cane juice that may have been expressed at the time of sunset on any Saturday, (the boiling, however, in no case to extend beyond the hour of ten o’clock of the night of *said Saturday*,) and the potting the sugar so made. That, on coffee and cotton estates, it shall mean, 1st, the turning and drying of coffee or cotton already housed, and in a state of preparation, but not cured; 2d, the picking of coffee or cotton during the crop, when, from its ripening suddenly, and from the unfavourable season, it would be totally lost, if not immediately picked.

B.—*And it is hereby strictly provided that the several descriptions of exigible labour above enumerated, (save and except the boiling of cane juice on the Saturday night,) are to be only performed for wages to be paid to the Slave him or herself in the currency of the Colony, and not by any parts or portions of the produce of the crops which may accrue to the proprietor from such labour.*

C.—That the rate of these wages is to be fixed by the Protector or *Deputy Protector of Slaves (as the case may be)*, subject to the approbation of the *Lieutenant-Governor, or Acting Lieutenant-Governor in Council*. And the said Protector or *Deputy Protector of Slaves (as the case may be)*, shall from time, by notices publicly given, signify the *approved tariff*, or rate of wages, payable to the Slaves for such labour.

D.—That any person or persons being the owner or manager of such Slave or Slaves, as may thus lawfully be employed or hired, and refusing or neglecting to pay to them, for his or her own use and benefit, wages at not less than the rate so to be fixed by any public notice of the Protector, or *Deputy Protector of Slaves (as the case may be)*, in manner and under the authority aforesaid, shall for every such offence and refusal to pay every such Slave or Slaves their respective wages for such labour, incur and become liable to a fine of fifty guilders for every Slave so omitted or neglected to be paid wages as aforesaid.

10.—And, in order to prevent any irregularities tending to the prejudice of the Slaves, by persons employing the Slaves of others without their owners’ consent, which it is highly necessary to guard against, it is hereby further ordered, that no Slaves shall or may be lawfully hired or employed in the service of any person or persons, except his, her, or *their owner, manager, or other person having the charge of them*, unless with the special consent in writing of such owner or manager, or other person having the charge of them; and every person thus unlawfully hiring or employing one or any greater number of Slaves, shall, for every such offence, incur and be liable to a fine of six hundred guilders, or in case of non-payment thereof, to imprisonment not exceeding one calendar month.

11.—And whereas His Majesty has been graciously pleased to intimate his intention to make effectual provision for the religious instruction of the Slaves in this Colony; and whereas it is in contemplation to abolish totally the usage now existing of holding markets on Sundays, as soon as the necessary measures shall have taken effect, which are designed to remove the causes of its temporary expediency; and it being in the mean time necessary to make some provision on the subject, it is hereby further ordered, that from and after the *first day of November next ensuing the date hereof*, the markets holden in *New Amsterdam* for the sale of meat, vegetables, and other provisions, on Sundays, and all other

markets to be holden on the Sabbath-day throughout this Colony, shall be limited to the hour of eleven o'clock in the forenoon, and that due warning shall be given, by the ringing of a bell at half past ten o'clock, to all persons to prepare to depart; and no person or persons whatsoever shall remain therein, or publicly shew forth, or expose for sale any meat, poultry, vegetables, provisions, fruit, wares, merchandize, goods, or effects, after the hour of eleven o'clock aforesaid, upon pain that every person guilty of a disobedience of *this order, or non-conformity therewith*, shall forfeit the goods or effects so exposed to sale, the proceeds whereof shall be paid into the poor's fund.

12.—And it is hereby further ordered, that from and after the first day of November *next ensuing the date of these presents*, it shall be illegal for any person or persons within this Colony to carry a whip, or any other instrument of punishment, in the field or elsewhere, either as a badge of authority, or a stimulus to labour, and every person acting against the true meaning hereof, or directing, or authorizing such illegal act, shall, *for every such offence*, incur a penalty of six hundred guilders, or in default of payment *thereof*, be subjected to imprisonment for any time not exceeding six months, nor less than one month.

13.—And it is hereby further ordered, that if a male Slave *shall commit* an offence of such a nature as to render it absolutely necessary that he be punished, such punishment must be inflicted with reason, and without cruelty or passion; the punishment to be enforced by and on behalf of the proprietor, *shall not* exceed at the utmost twenty-five lashes; nor shall it be lawful to inflict on any male Slave any corporal punishment until after sunrise of the day next following that on which the offence has been committed, for or on account of which any such punishment or correction may be so inflicted, or without the presence of one person of free condition, or of six Slaves to witness the infliction of such punishment, other than and besides the person by and by the authority of whom the said punishment shall be inflicted, under the penalty of nine hundred guilders, or, in case of non-payment, to imprisonment not exceeding three calendar months; but in case six Slaves are substituted as witnesses for one person of free condition, it shall be incumbent on the person or persons ordering the punishment to prove, if required so to do, that it was not on his or her power to procure the attendance within twenty-four hours of a person of free condition *to witness the said punishment*. No punishment by flogging shall be inflicted but at or near the buildings of the estate, nor shall it be repeated on the same day, nor until the delinquent shall have fully recovered from the effects of any former punishment. Provided, nevertheless, that nothing herein contained shall extend or be construed to extend to any punishment which may be inflicted on any Slave under or by virtue of any sentence or judgment of any Court of competent jurisdiction within this Colony, or in pursuance of any order of the Fiscal.

14.—And it is hereby further ordered, *that from and after the first day of November next*, it shall not be lawful to correct or punish by flogging or whipping any female Slave within this Colony, for any offence committed, or alleged to be committed, by any such Slave; and any person convicted of having inflicted such punishment, or having ordered or authorised the same to be done shall for *every such offence* be subject to a fine of fourteen hundred guilders; or, in case of non-payment thereof, to imprisonment, not exceeding six calendar months, nor less than one month. And whereas it is necessary that effectual measures should be adopted for punishing such offences as may hereafter be committed by female Slaves within this Colony, it is therefore further ordered, that from and after the said *first day of November next*, the following punishments for the suppression of such offences as may thereafter be committed by female Slaves within this Colony, which by the laws in force were heretofore punishable by flogging, shall be, and are hereby declared to be lawful:

Solitary confinement, with or without work, in any fit and proper place, on any estate, or in any place in this Colony, provided that such place be approved by some duly licensed medical practitioner in this Colony, by certificate in writing under his hand; such certificate to be duly entered in the Record Book on any plantation, if in the country, and if in town, by some duly licensed medical practitioner and the Fiscal, and to be duly recorded in the office of the said Fiscal. And provided that for each offence the period of

detention in such solitary confinement shall not at any time exceed three days.

*Public Stocks, for the confinement of hands or feet, or both, during the day, not longer than three hours for each offence; such stocks to be under cover in some conspicuous place near the buildings; and that such punishment shall only be inflicted between the hours of sun-rise and sun-set.*

House stocks for the hands and feet, or either of them, with seats, during any period of the day; provided that for each offence the period of confinement shall not exceed six hours.

Bed stocks, for confinement of the feet during the night.

Handcuffs.

Distinguishing dresses to be used either with or without the stocks.

Distinguishing marks, to be suspended from the neck by collars, and secured by padlocks; the collars and marks to be made of tin, *very light, so as not to injure the skin*, and to be of a form approved by the Fiscal, and confirmed by the Lieutenant-Governor, or Acting Lieutenant-Governor.

Confinement, either solitary or otherwise, during one of the hours of noon, with or without task work during such confinement; provided always, and it is hereby ordered, that in all cases of punishment, either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the Slave in confinement shall be supplied with a sufficient quantity of food, *that is to say, three quarters of a pound of plantains, or other prepared farinaceous food, at least twice a day, between sun-rise and sun-set, as also a proper supply of good water.*

And it is hereby ordered and declared, that in all cases where it shall seem proper to any owner, manager, or other person having charge of Slaves, to impose any or either of the foregoing punishments upon any male Slave or Slaves, for any offences to be hereafter committed by such male Slave or Slaves, in lieu of the punishment by flogging, it shall be lawful for such owner, manager, or other person as aforesaid, so to do, complying in all respects with the provisions aforesaid. Provided, however, that nothing herein contained shall extend, or be construed to extend, to prevent any master or mistress, owner, manager, or other person having charge of any female Slave under the age of twelve years, from causing her to be punished and corrected for any fault or misconduct by her committed, in such and the same manner, and to such and the same extent, as any child of free condition may be and usually is punished and corrected in any school for the education of youth in this Colony; *being mindful that in all cases such punishment shall be inflicted by a female, and any indecent exposure of the person avoided.*

And it is hereby further ordered, that if any offence shall be hereafter committed by any male or female Slave in this Colony, of such nature and to such extent as (in the opinion of his or her owner, or of any person under whose charge such Slave may be placed) may require or deserve greater punishment and correction than such owner or person is empowered to inflict, such owner or person shall, in writing, give information in such case to one of the civil Magistrates of the district in which such person or persons may reside, whose duty it shall be, after a minute and full investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, by an extension of some one or other of the modes of punishment hereinbefore provided, or otherwise to proceed according to the existing laws of the Colony.

15. And it is hereby further ordered, that there shall be kept by every person, having charge of a task or working gang of Slaves, exceeding six in number, and upon every estate throughout the Colony, a book, to be called the "Punishment Record Book;" and it shall be the duty of the owner, proprietor, manager, or other person having the direction thereof, to enter and record in the said book, at or within forty-eight hours after time of the infliction of any punishment whatsoever on any female Slave, or on any male Slave, a statement of the nature of the offence, and the time and place at which each punishment shall have been inflicted, together with the names of the persons by whom and by whose authority each punishment has been inflicted, and in case of the corporal punishment of any male Slave, the names of the free person or persons, or the six Slaves present and attending at the infliction of every such punishment, and of the number of stripes actually inflicted on the offender; and if

any owner, proprietor, manager, or other person having the direction of any estate, or task or working gang of Slaves, exceeding six in number, within this Colony, shall neglect or omit to make, in the said Punishment Record Book, any entry which, according to the provisions of this present order, ought to be made therein, or shall not make such entry within *forty-eight hours* next after the infliction of every and each punishment to which the same may refer, the person or persons so offending shall incur and become liable to a penalty of three hundred guilders. And if any person or persons shall wilfully or fraudulently make or cause to be made any false entry or fraudulent erasure in any such Punishment Record Book, or shall wilfully or fraudulently burn, destroy, cancel, *deface*, obliterate, or *falsify* the same, or any part or parts thereof, the person or persons so offending shall for *every such offence* incur and become liable to a penalty of three hundred guilders, or, in case of non-payment thereof, to imprisonment not exceeding three months. *Such Punishment Record Book to be kept in manner and form following :*

Punishment Record Book of \_\_\_\_\_ belonging to \_\_\_\_\_ situate  
in \_\_\_\_\_ and having a number of \_\_\_\_\_ Slaves.

Date of Entry.	Name of Slave.	Nature of Offence.	Time and Place of Punishment.			By whose Authority.	By whom inflicted.	Witnesses.	Nature and Extent of Punishment, if a Female.	Extent of Punishment, if a Male.

16.—And it is hereby further ordered, that every person having charge of a task or working gang of Slaves exceeding six in number, and every owner, proprietor, manager, or other person having the direction of each and every plantation or estate within this colony, shall, on some day between the first and fifteenth day of the month of January, and the first and fifteenth day of the month of July in each year, repair to the *civil Magistrate acting in his capacity of Assistant Protector of Slaves* for the time being of the district in which such plantation or estate may be situate, or in which such owner, proprietor, manager, or other person as aforesaid may be resident, and then and there produce before such civil Magistrate as aforesaid, a precise and exact transcript of every entry which during the period next preceding the first day of the month of January, and the first day of the month of July respectively, may have been made in such Punishment Record Book of his or her task or working gang, plantation, or estate, and shall also take and subscribe an oath, to be annexed to the said transcript in the following words :

“ I, A. B., the owner or manager of the task or working gang (as the case may be), called \_\_\_\_\_ in the district of \_\_\_\_\_ in the colony of Berbice, do make oath and say that the paper-writing hereunto annexed, contains a true and exact copy of every entry which since the \_\_\_\_\_ day of \_\_\_\_\_ last hath been made in the Punishment Record Book, of the before mentioned plantation, task, or working gang ; and I do further swear that the said Punishment Record Book hath been punctually and accurately kept, since the \_\_\_\_\_ day of \_\_\_\_\_ in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent.—So help me God.”

And in case any such owner or manager, or other person as aforesaid, shall not since the time of making his last preceding return to the said *civil Magistrate* of the district, have inflicted, or cause to be inflicted, any punishment upon any female Slave, or any punishment on any male Slave, then, and in every such case, in lieu of the oath aforesaid, such owner, manager, or other person as aforesaid, shall, at the several times aforesaid, take and subscribe before the *civil Magistrate* of the district in which such plantation may be situate, or task or working gang be then employed, an oath in the following words ; that is to say :

And any person or persons as aforesaid refusing or neglecting to make any such return, or to take and subscribe the oath required by this present Act, shall for *every offence* incur and become liable to a fine of three hundred guilders. And the *civil Magistrates* as such Assistant Protectors of Slaves as *aforesaid*, are hereby authorised and empowered to administer the said oaths accordingly.

18.—And it is hereby further ordered, that the said Protector or Deputy Protector of Slaves (as the case may be), shall enter and record in one book, or set of books duly paged and indexed, to be by him kept for that purpose, the whole of the returns so made to him, and shall keep and preserve in his office the originals of the said returns and affidavits.

19.—And be it further ordered, that any persons being in a state of slavery, and being the property of the same owner, who may be desirous to intermarry, shall at their election apply either to the Protector or Deputy Protector (as the case may be), or the Assistant Protector of Slaves of the district in which they may reside, for a marriage licence; and as an authority to him to grant the same, shall produce the consent in writing of the owner of such Slaves, or his or her representative to the celebration thereof. But in case such owner, or his or her representative shall refuse to consent to any such marriage, or to give such written permission for the celebration thereof, as aforesaid, then, and in every such case, the said Protector, or Deputy Protector of Slaves, or Assistant Protector of Slaves (as the case may be), shall thereupon issue a summons under his hand, requiring such owner, or his or her representative to appear before him by himself or herself, or his or her agent, at some convenient time and place to be for that purpose appointed, such time being not more than fourteen days distant from the time when such applications as aforesaid shall be received by such Protector, or Deputy Protector of Slaves (as the case may be), or Assistant Protector of Slaves, as aforesaid; and if such owner or representative as aforesaid, being duly cited, shall fail to appear, by himself or herself, or his or her agent, before the said Protector or Deputy Protector of Slaves (as the case may be), or Assistant Protector of Slaves, or appearing, shall fail to lay before him good and sufficient proof that such proposed marriage would be injurious to the well-being of the said Slaves, then, and in every such case, the said Protector, or Deputy Protector of Slaves (as the case may be), or Assistant Protector of Slaves, shall, without fee or reward, issue a licence under his hand, thereby authorising any clergyman of the Established Church of England and Ireland, or any minister of the Dutch reformed church, or Lutheran church, or of the kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any licensed teacher of religion within

this Colony, carrying on no other profession, business, or occupation of profit *save and except the occupation of a schoolmaster*, to solemnize the marriage of the said Slaves; and such marriage when so solemnized, shall be held and considered binding, valid, and effectual in law. Provided, nevertheless, that such marriages shall not confer on the parties or their issue any rights inconsistent with the duties which Slaves owe to their owners or to the Government, or at variance with those rights which the owners or the Government are by law entitled to assert over the Slaves and their progeny, or subject such Slaves so intermarrying to any penal infliction, the effects of which might destroy the rights, or injure the property of their owners.

20.—And it shall and may be lawful for any clergyman of the Established Church of England and Ireland, or any minister of the Dutch reformed church, *or Lutheran church*, or of the kirk of Scotland, or for any priest or curate of the Roman Catholic religion, or any licensed teacher of religion, upon receiving the permission in writing of the owner or owners (or their attornies), of any such Slaves wishing to intermarry, or the licence of such Protector, *or Deputy Protector (as the case may be)*, or Assistant Protector of Slaves, to solemnize such marriage; and every person by whom such marriage may be solemnized shall register in a book to be by him kept for that purpose, every such marriage, with the date thereof, and the names, ages, and places of abode of the parties contracting, *and the proprietors or estates to whom or which they respectively belong*.

21.—And it is further ordered, that every female Slave who *shall* have a child while she preserves her fidelity in marriage, or reputed marriage, or is reputed to do so, shall, six weeks after the birth of such child, if the said child be then living, be entitled to receive from her owner, or his *or her* attorney, twelve guilders, and fifteen guilders for every other child she shall thereafter bear and have under the same circumstances; and if any owner or attorney shall omit in any respect to comply with and fulfil the directions of this Clause, he *or she* shall incur a penalty of three hundred guilders for every such offence. And it is further ordered, that as soon as any female Slave shall have six children living, and who have been born during marriage or such cohabitation as aforesaid, with reputed fidelity, the youngest of which children shall be seven years of age, the owner or manager of such female Slave shall not thereafter oblige such female Slave to do any labour in the field, or any other than light work, under a penalty of three hundred guilders *for every offence*.

22.—Every planter or proprietor of Slaves shall take the necessary precaution that his *or her* Slaves be properly supplied with provisions, and shall therefore be obliged to have provision grounds prepared on the estates and properly planted, calculating one acre *for every* five negroes, under a penalty of ninety guilders *for every acre less in provisions than hereby required*; allowing, moreover, a reasonable weekly allowance, according to the custom of the Colony, and as may be best obtained, *under a penalty of one hundred and fifty guilders for every Slave who may not have been duly provided with his or her allowance*; and also shall provide such Slave or Slaves with proper clothing, *according to the custom of the Colony, under a penalty of one hundred and fifty guilders for every Slave not duly provided with his or her clothing*: Provided always, that whenever the provision grounds to be upon the estate shall be found inadequate to furnish the requisite provisions for the due subsistence of the Negroes *thereon, then and in such case it shall not be compulsory on such proprietor, or his or her representative, to cultivate or keep up such provision grounds as aforesaid, but such proprietor, or his or her representative, shall, in lieu thereof, purchase, or otherwise procure such an equivalent supply of provisions, as may be proper for their support*.

23.—And be it further ordered, that the hours for field-work of Slaves shall be from six o'clock in the morning until six in the evening, and not longer, and that two hours shall be allowed them during that period for rest and meals, under a penalty of three hundred guilders.

24.—And it is further ordered, that every proprietor of Slaves, or his or her attorney, shall employ a legally qualified medical practitioner, *duly authorized to practice, by a certificate from the Lieutenant-Governor, or acting Lieutenant-Governor*, to attend their sick Slaves, and shall provide such medicines,



food, and other necessities as such medical practitioner shall from time to time reasonably order and direct; and that there shall be on every estate a place, where the Slaves, *other than domestic Slaves* usually reside, a commodious hospital or sick-house, furnished with proper conveniences, and attendants for the sick, under a penalty of six hundred guilders; and that a book or register shall be kept in every such hospital, in which the names and treatment of all such Slaves shall be respectively entered by the medical attendant; *and in case any such medical attendant shall omit or refuse to make such entries as aforesaid from time to time, he shall incur a fine of twenty-two guilders for each and every such offence.*

25.—And it is further ordered, that no person shall, under a penalty of five hundred guilders, bury, or allow to be buried, any Slave who has died suddenly or under suspicious circumstances, or shortly after punishment, or who has committed suicide, until previous information be given, if in *New Amsterdam*, at the office of the Fiscal, or if in the country, until such information be sent to the *civil Magistrate* of the district *in which such death took place*, or if this be impracticable, to some other respectable inhabitant; who shall, with some legally qualified medical practitioner, attend for the purpose of inspecting and examining the corpse, and send a certificate of the result of such examination to the *civil Magistrate* of the said district, *or if it should happen, as it possibly may, in particular cases of death under peculiar local or other circumstances, that it is impracticable to obtain either of the certificates above mentioned, then and in every such case some other proof equally strong and satisfactory, or the best which the nature and incidents of the case can afford, must be produced to the said civil Magistrate in support thereof; the person offering such proof to verify by oath the circumstances which put it out of his or her power to procure one or other of the certificates as above directed, and in every such case the said civil Magistrates shall forthwith transmit unto the Fiscal the said certificates, and other the proof hereinbefore required.*

26.—And be it further ordered, that it shall not be lawful in the execution of any judgment, sentence, decree, or order of the Court of Justice within this Colony, to seize and sell in satisfaction thereof any Slave known or asserting to have a husband or wife, or reputed husband or wife, or child under the age of sixteen years, who may be the property of the same person or persons, unless such husband or wife, or reputed husband or wife, or child as aforesaid, shall be sold together, and in one and the same lot, to the same person or persons; and in order to prevent any such separation taking place, it is hereby further ordered, that the Marshal, and sworn clerk attending the Marshal, when levying execution, shall, in their return, certify that before levying execution on any single Slave, they have carefully inquired from the Slave, if a male, whether he has a wife or reputed wife, or child under the age of sixteen years; and if a female, whether she has a husband or reputed husband, or child as aforesaid, belonging to the same person or persons; and in case either he or she should declare to have a wife or husband, or reputed wife or husband, or child as aforesaid, the Marshal shall be then bound to levy on them together; provided, however, that a Slave thus asserting to have a husband or wife, or reputed husband or wife, or child as aforesaid, belonging to the same owner, shall be bound to prove the truth of his or her assertion, either by the evidence of the owner, manager, or overseer on the plantation where the execution *shall be levied*, or by the evidence of the other Slaves belonging to the same estate or plantation, or person or persons; and in case the assertion *be supported* by the evidence of Slaves only, but contradicted by that of the owner, manager, or overseer, or all of them, so as to render the case doubtful, or if the Marshal under any circumstance entertain a doubt, it shall then be lawful for him to levy on the single Slave given up in execution, and provisionally on the alleged family of the said Slave, and it shall then be his duty to make a full report of his proceedings in his return, a copy of which he is to deliver, or cause to be delivered, to the Protector or Deputy Protector of Slaves, *as the case may be*, who shall with all diligence inquire into the circumstances of the case, and decide thereon with strict impartiality and justice, and whatever decision shall be given by the Protector or Deputy Protector of Slaves *thereon*, shall be the rule for the Marshal completing the levy and sale. And in case the single Slave thus taken in



execution shall, when such levy and execution take place, declare not to have a husband or wife, or reputed husband or wife, or child as aforesaid, or shall remain silent on the subject, then and in every such case it shall be lawful for the Marshal to proceed with the sale of the single Slave thus taken in execution, and the sale is hereby declared absolutely valid in the Law to all intents and purposes whatever. And in order to facilitate such investigation, the proprietor, manager, or other person having charge of such estate as aforesaid, is hereby directed to keep *an accurate and complete* record of all married or reputed married persons on such estate, and also of the children respectively proceeding therefrom, *which shall be forthwith transmitted to the Protector or Deputy Protector of Slaves, as the case may be, at his office in New Amsterdam, whenever required so to be transmitted by such Protector or Deputy Protector of Slaves as aforesaid, for the purpose of facilitating such investigation as aforesaid, under penalty for not duly keeping such record as aforesaid of the sum of five hundred guilders for every such offence, and also under a penalty of five hundred guilders for refusing or omitting to transmit such record as aforesaid, for such purpose as aforesaid, to such Protector or Deputy Protector of Slaves as aforesaid, whenever required by him so to do.*

27.—And whereas, by the usage of this Colony, persons in a state of slavery have hitherto been permitted to acquire, hold, and enjoy property free from control, and it is expedient that the said custom should be recognised, and, as far as need be, established by Law—and that provision should be made for enabling Slaves to invest such their property on good security; be it therefore, and it is hereby ordered and declared, that no person in this Colony, being in a state of slavery, shall be, and be deemed or be taken to be, by or on account of such his condition, incompetent to purchase, acquire, or possess, hold, enjoy, alienate, or dispose of property, but every such Slave shall be, and is hereby declared competent to purchase, acquire, possess, hold, enjoy, alienate, or dispose of *Lands situate in this Colony*, money, cattle, implements, or utensils of husbandry, or household furniture, or other effects of such like nature, by him, her, or them, honestly and lawfully acquired or held, save and except fire-arms, ammunition, and such Colonial produce as is prohibited to be sold or bartered by the existing law: Provided always, that it shall not be lawful for any Slave to hold, or keep upon the land of *his* or her owner, or that of any proprietor, any stock or animals, unless with the consent of such owner or proprietor; and in case any Slave or Slaves having such stock, and being warned to remove such stock or animals, should refuse or neglect to remove the same, it shall be lawful for the owner, or other person having charge of such plantation or estate, to destroy the same, or cause it *to be destroyed* by others. And if any white or free person in this Colony, shall purchase from any Slave *any land* or article in which such Slave shall or may have *legally* acquired a right of property, and shall refuse to pay for the same, it shall and may be lawful for the owner of such Slave, or the Protector, or *Deputy Protector of Slaves (as the case may be)*, to have and maintain an action in his or her own name or quality, for the recovery of the price, or the value of the *said land* or article, so purchased in like manner, as if the same had been purchased from himself or herself, or *such Protector, or Deputy Protector of Slaves (as the case may be)*, and the Court in its sentence shall decree for the plaintiff for the use of the Slave, if he or she shall be proved to have been so defrauded; and if any owner in this Colony shall, unjustly, withhold from any Slave under his or her direction any sum of money which shall have been so decreed by the Court to the use of such Slave, or shall on any occasion unjustly appropriate to his or her own use any *land*, money, or property of any kind, which such Slave shall or may have so lawfully acquired, or shall prevent him or her from *disposing of* the same, or if any other person whomsoever shall molest or disturb any such Slave in the possession or free use and enjoyment of any *land*, money, or property, so lawfully acquired by such Slave, such owner, or *such other person*, shall, upon conviction thereof, be liable to restore to the said slave the *land*, money, or property, so unjustly appropriated to his or her own use, and be further liable to fine or imprisonment, or both, at the discretion of the Court. *Provided always, that nothing hereinbefore contained shall extend, or be construed to extend, to affect, or prejudice the right of property which*

*the proprietor or owner legally has, in or to his Slave or Slaves; and his, her, or their services shall in no manner be alienated, diminished, or deteriorated, by the possession of any land or other property as aforesaid, which any such Slave or Slaves may by virtue hereof legally acquire, but such land or other property, so acquired by such Slave or Slaves, as aforesaid, shall alone be considered and remain liable to and for any debt or debts of whatsoever nature or kind, which such Slave or Slaves may at any time incur for, or in respect of, any such land or other property, as aforesaid; and the person or persons of the said Slave or Slaves shall be for ever freed, and discharged from all liability, for or on account of any such debt or debts.*

28.—And it is hereby further ordered, that a Savings Bank shall be established in this Colony for the better preserving the property of any Slaves therein; and that interest, at the average rate of Government funded security, be allowed upon any sum of money which may be deposited in any such Savings Bank, under the condition that the sum or sums is or are to remain for one twelve-month. And any Slave making any deposit of money in such Savings Bank, shall bequeath the said money to whomsoever he or she may please, in case of his or her death, by a declaration to be lodged in the records of the bank; which declaration shall be equivalent to a will:—The whole, however, to be subject to such rules and regulations as may be hereafter deemed advisable. Such Savings Bank to be under the immediate direction of the Protector, or Deputy Protector of Slaves (as the case may be), subject to the general superintendence of the Lieutenant-Governor, or acting Lieutenant-Governor, and Council of Government.

29.—And it is hereby further ordered, that no duty, tax, or impost, of any nature or kind whatsoever, and that no fee of office shall hereafter be paid, or be payable, for or on account, or in respect of the manumission of any Slave, or the enrolment or registration of any deed of manumission. And if any person within this Colony shall hereafter take, demand, or receive any tax, duty, impost, or fee of office, for any such deed of manumission, or the enrolment thereof, as aforesaid; the person so offending, shall incur and become liable to the payment of a fine not exceeding one thousand, nor less than one hundred, guilders.

30.—And it is hereby ordered, that in case the owner or owners of any Slave or Slaves shall be desirous to manumit any such Slave or Slaves, it shall be his or her duty to apply to the Protector, or Deputy Protector of Slaves (as the case may be), and give him notice in writing of such intended manumission, and it shall thereupon be the duty of the Protector, or Deputy Protector of Slaves (as the case may be), to inquire into the circumstances of such Slave or Slaves, as to his her, or their age, mental or bodily infirmity; and if it shall appear to the Protector, or Deputy Protector of Slaves (as the case may be), that the Slave or Slaves proposed to be manumitted, is or are likely to become a burthen on the public, he is then to regulate the amount of security, or of the deposit which is to be given or made by such owner or owners, at whose option it shall be, whether he, she, or they prefer to make a deposit in money, or give security for the same; and in case of security being given, it shall be the duty of the Protector, or Deputy Protector of Slaves (as the case may be), to take care that the same be full and sufficient for the intended purpose; and if a deposit of money be made, such money shall immediately be placed in the hands of the Treasurer of the poor's fund, who shall give a receipt for the same to the owner, and be accountable for the same in like manner as in all other matters relating to his office as Treasurer of the poor's fund; and in order to prevent the possibility of any fraud being committed by persons attempting to manumit Slaves not *bond fide* their property, or of whom no valid or effectual manumission can be effected by reason of any mortgage, settlement, lease, or other charge upon or interest in such Slave being vested in any other person or persons—it is hereby further ordered, that on application as before mentioned, being made to the Protector, or Deputy Protector of Slaves (as the case may be), he shall give public notice thereof, in the same manner as has heretofore been done by the Secretary of this Colony, for the purpose of enabling any person having, or pretending to have, a right to oppose such manumission; and if any such opposition shall be made, the merits thereof are to be tried *de plano* before the Court of civil Justice, and the Slave

whose manumission is thus opposed, shall be defended in such action by his or her owner, or the Protector, or *Deputy Protector of Slaves (as the case may be)*, or by both of them, and the Decree given by the Court of Civil Justice shall be binding on the parties without any appeal; and in case no opposition be made against such intended manumission, the owner or owners voluntarily effecting such manumission shall execute a proper deed of manumission, and the same shall in all cases be executed in the presence of the said Protector, or *Deputy Protector of Slaves (as the case may be)*, or two proper witnesses, to be by him appointed for that purpose, and being so executed, shall, by such Protector, or *Deputy Protector of Slaves*, be enrolled in the Secretary's office of this Colony within one calendar month next after the date and execution thereof; and in case any such Deed shall not be left for enrolment at the said Secretary's office within the said period of one calendar month, the said Protector, or *Deputy Protector of Slaves (as the case may be)*, shall incur and become liable to the payment of a fine of five hundred guilders, on proof of the neglect being made to the Lieutenant-Governor, or acting Lieutenant-Governor for the time being; and after the enrolment has taken place, the said original deed of manumission shall be delivered to the said Slave, and thereupon such Slave shall be, and be deemed, taken, and reputed to be, free to all intents and purposes.

Compulsory manumissions.

*Note.*—This is the 29th Clause of the Trinidad Order in Council, with some amendments made thereto.

31.—And it is hereby further ordered, that in case any Slave within this Colony shall be desirous to purchase the freedom of himself, *herself*, or of his or her wife, or husband, or child, or brother, or sister, or reputed husband, or wife, or child, or brother, or sister, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself or *herself*, or of any such other person as aforesaid; and if the owner or proprietor of any such Slave shall be unwilling to effect his or her manumission, or shall by reason of any mortgage, settlement, or lease, or other charge upon or interest in such Slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of any such Slave; or if the owner or proprietor, or any other person having an interest in any such Slave, shall be a minor, or a married woman, or idiot, or lunatic, or if the real and true owner of any such Slave shall be absent from, *and have no attorney or representative in this Colony*, or shall not be known; or if any suit or action shall be depending in any Court of Justice in this Colony, wherein the title to the said Slave, or the right to his or her services, shall or may be in controversy; or if the owner of any such Slave, or *his or her attorney or representative*, shall demand as the price of his or her freedom a greater sum of money than may be the fair and just value thereof, then, and in each and every the cases aforesaid, *the President of the Courts of Criminal and Civil Justice of this Colony* shall, on application to him for that purpose, made by the Protector, or *Deputy Protector of Slaves (as the case may be)*, issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the person or persons under whose direction such Slave may be, to appear before him by themselves or their agents, at some convenient time and place, *to be by him the said President* for that purpose appointed; and notice shall also be published by the said Protector, or *Deputy Protector of Slaves (as the case may be)* in the Public Gazette of this Colony, *for the period of one calendar month*, of the time and place appointed for the purpose aforesaid; and in such notice, all persons having or claiming to have any title or interest in or to the Slave proposed to be manumitted, either in their own right, or as the guardians, attorneys, trustees, or executors of any persons, shall be required to attend and prefer such claims.

*Note.*—This is the 30th Clause of the Trinidad Order in Council, with amendments thereto.

32.—And it is hereby further ordered, that at the time appointed for any such meeting as aforesaid, *the President of the Courts of Criminal and Civil Justice of this Colony*, in the presence of the Protector, or *Deputy Protector of Slaves (as the case may be)*, and also in the presence of the owner, *attorney*, manager, or *other person having the charge of the Slave or Slaves* proposed to be manumitted; or upon proof being made to him, upon oath, of the due service and publication of such notice as aforesaid, then, if necessary, in the absence of such owner, *attorney*, manager, or *other person having charge as aforesaid*, shall proceed to hear, in a summary way, what may be alleged by the said Protector, or *Deputy Protector of Slaves (as the case may be)*, and by the owner, *attorney*, manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case the parties, or any of them,

shall refuse to effect any such manumission, or if it shall appear to the *said President* that a valid and effectual manumission of any such Slave cannot legally be effected by private contract; or if it shall be made to appear to the *said President* that the owner or proprietor of any such Slave, or that any person having any charge upon or interest in him or her, is a minor, or a married woman, or idiot, or lunatic; or that the real and true owner of any such Slave, or that any person having any charge upon or interest in him or her, is absent from the Colony, and has no representative or attorney therein, or is unknown, or cannot be found, or that any suit or action is depending in any Court of Justice in this Colony, wherein the title to the said Slave, or the right to his or her services, is in controversy; or if it shall appear to the *said President* that any difference of opinion exists between the Protector, or Deputy Protector of Slaves (as the case may be), and the owner or proprietor, or other person having the charge of any such Slave, respecting his or her price or value, then, and in every such case, the *said President* shall require the Protector, or Deputy Protector of Slaves (as the case may be), and the owner, manager, or person having the direction of any such Slave, or interest therein as aforesaid, each to nominate an appraiser of his or her value; and the *said President* shall himself nominate an umpire between such appraisers. And the said appraisers, being first duly sworn before the *said President* to make a fair and impartial appraisement, not only with reference to the physical strength of the Slave proposed to be manumitted, and his or her mental acquirements, but also with reference to the absolute value of such Slave to his or her owner, and the loss which such owner would sustain by the loss of the services of such Slave, shall, within seven days next after such their appointment, make a joint valuation of the Slave or Slaves proposed to be manumitted, including in such valuation any expences necessarily attendant on such appraisement, and shall certify such their valuation to the *President*, under their hands and seals. And in case such joint certificate shall not be delivered to the *said President* within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall within the next seven days certify his valuation, under his hand and seal, to the *said President*. And the valuation to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of the *Secretary and Registrar of this Colony*.

33.—And it is hereby further ordered, that upon payment to the *Secretary and Registrar of this Colony* of the appraised value of any such Slave as aforesaid, after deducting therefrom the expense of the appraisement to be allowed by the *said President*, the said *Secretary and Registrar* shall grant to the Protector or Deputy Protector of Slaves (as the case may be) a receipt for the money so to be received by him, and such receipt shall be duly enrolled in the office of the *said Secretary and Registrar*, together with a declaration, under the hand and seal of the *said President*, that the proceedings required by law for the manumission of the Slave by or on behalf of whom such money was paid, had been duly had before him; and thereupon such Slave shall be, and be deemed, taken, and reputed to be, free to all intents and purposes whatsoever.

34.—And it is further ordered, that the money to arise from the manumission of any Slave or Slaves, by virtue of the proceedings before mentioned, shall be forthwith paid by the *said Secretary and Registrar* to the owner, manager, or other person having had the charge and direction of any such Slave or Slaves manumitted as aforesaid, without any deduction or abatement therefrom on any account whatsoever; provided it appear, by a certificate under the hand and seal of the Protector or Deputy Protector of Slaves (as the case may be), that after one month's notice in the Gazette of this Colony, as prescribed in Article 31, no person appeared to prefer any claim to or interest in the Slave proposed to be manumitted, either in his or her own right, or as the guardian, attorney, trustee, or executor of any other person, pursuant to such notice; otherwise the money to arise as aforesaid shall and may be laid out and invested, under the authority of the *President of the Courts of Criminal and Civil Justice*, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; or if no such application shall be made, then such money shall remain in the hands of the *Secretary and Registrar of this Colony*, and the Slave or Slaves so to

*Note.*—This is the 31st Clause of the Trinidad Order, with local alterations.

*Note.*—This is the 32d Clause of the Trinidad Order in Council, with additions and restrictions upon compulsory manumissions.

Restrictions.

be purchased with the said money as aforesaid; or in case of no such purchase being made, then the said money in the hands of the said *Secretary and Registrar* shall be the property of the persons who were the owners or proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands of what nature or kind soever as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission. And the said *Secretary and Registrar* shall hold the said money, subject to such order as the *President of the Courts of Criminal and Civil Justice of this Colony* may, upon a summary application of any person interested therein, see fit to make; and such money shall, by the said *Secretary and Registrar*, be paid, applied, and disposed of, in pursuance of and in obedience to any such order. *Provided always, that nothing hereinbefore contained shall extend, or be construed to extend, to entitle any Slave or Slaves within this Colony to purchase the freedom of himself, herself, or themselves, or of his or her wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister, without the consent of his, her, or their owner or owners, unless it shall be made to appear, to the satisfaction of the Protector or Deputy Protector of Slaves (as the case may be), that the money wherewith such Slave or Slaves may propose to purchase his, her, or their freedom as aforesaid, arises from the earnings of his, her, or their own honest industry, or has been bequeathed unto him, her, or them, by last will or testament, or acquired by legal or testamentary succession; and also, that sufficient proof has been exhibited unto him, the said Protector or Deputy Protector of Slaves (as the case may be), that such Slave or Slaves has or have conducted himself, herself, or themselves, honestly and faithfully for the period of five years then next preceding such application for manumission. And provided also, that nothing hereinbefore contained shall extend or be construed to extend to entitle any such Slave or Slaves to purchase his, her, or their freedom as aforesaid, where the Slave or Slaves proposed to be manumitted shall have been convicted of larceny, or shall have suffered corporal punishment under the sentence of any court of competent jurisdiction, within the period of seven years next preceding his, her, or their application for manumission, as aforesaid.*

35.—And it is hereby further ordered, that every Clergyman of the Established Church of England and Ireland, and every Minister of the Dutch Reformed Church, and *Lutheran Church*, and of the Kirk of Scotland, and every Priest or Minister professing the Roman Catholic religion in this Colony, and every other person being a licensed teacher of religion within this Colony shall, and is hereby authorised and required to deliver or transmit to the Protector or Deputy Protector of Slaves (as the case may be,) at his office in *New Amsterdam*, or to the Assistant Protectors of Slaves of the districts in which they may be resident, certificates setting forth the names or name, and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath, and the said Protector or Deputy Protector, and Assistant Protectors of Slaves in the several districts of the Colony, shall and are hereby required to register the same in a book to be kept by him or them for that purpose. therein stating the date of every such certificate, and the name and place of abode of the person by whom the same may have been granted, and of every Slave mentioned and included therein; Provided nevertheless, that no Priest, or Minister, or Licensed Teacher of Religion, not being a Clergyman of the Church of England and Ireland, or Minister of the Dutch Reformed Church, or *Lutheran Church*, or of the Kirk of Scotland, or of the Roman Catholic religion, shall be competent to grant any such certificate as aforesaid, unless His Majesty's Principal Secretary of State for the Colonies, or the Lieutenant-Governor, or acting Lieutenant-Governor for the time being of this Colony, shall have granted to such Priest, Minister, or Licensed Teacher, a licence in writing to act as an Instructor of Slaves in this Colony; and unless such licence shall be in force, and have been first registered at the office of the said Protector or Deputy Protector of Slaves (as the case may be). Provided always that nothing herein contained shall extend, or be construed to extend, to prevent or abridge the undoubted power of the Lieutenant-Governor

or acting Lieutenant-Governor for the time being, to suspend or take away any such licence until His Majesty's pleasure shall be known.

36.—And it is further ordered, that no person shall be *henceforth* rejected as a witness, or considered to be incompetent to give evidence in any Court of Criminal or Civil Justice in this Colony, by reason of his or her being in a state of Slavery, if the person or persons producing or tendering him or her as a witness, shall produce and exhibit to the Court a certificate under the hand of the said Protector, or *Deputy Protector (as the case may be)*, that such proposed witness is registered in the before mentioned book; and the said Protector, or *Deputy Protector (as the case may be)*, shall, and he is hereby required to grant, without fee or reward, to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book. *Provided nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any case, where any white or other person of free condition may be charged with or prosecuted for any offence punishable with death. Provided always, that nothing herein contained shall extend to take away or diminish any power or authority which the Court of Criminal Justice of this Colony now hath to admit, in any case, the evidence of persons being in a state of slavery.* *Provided also, that nothing herein contained shall extend, or be construed to extend to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence, if he or she were of free condition.*

37.—And it is hereby further ordered, that the salary of the Protector, or *Deputy Protector of Slaves (as the case may be)*, shall by him be taken in lieu and in full satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever; and that if the said Protector, or *Deputy Protector of Slaves (as the case may be)*, shall take or receive, directly or indirectly, any fee, perquisite of office, advantage or emolument, other than his said salary, for or in respect of any act, matter, or thing done or performed by him in the execution of such his office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his office.

38.—And it is hereby further ordered, that the said Protector, or *Deputy Protector of Slaves (as the case may be)*, shall, on the first day of January 1827, and on the first day of March and first day of September in the same year, and on the first day of March and first day of September in every succeeding year, deliver to the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, particulars of all returns which by virtue of this order may have been made to him by the Assistant Protectors of Slaves in the several districts of the Colony, with a report in writing, exhibiting an exact account of the manner in which the duties of his office shall have been performed during the periods respectively embraced by these returns, and especially stating the number of actions, suits, and prosecutions in which he may have acted as the Protector, or *Deputy Protector (as the case may be)*, of any such Slave or Slaves during the said periods respectively, with the dates and effect of all the proceedings therein, and the names of the persons (if any) against whom he may have instituted any criminal prosecution, or *have instituted any suits or actions at Law in any of the respective Courts of Justice in this Colony, for or on behalf of any Slave or Slaves* under and by virtue of this order, together with the amount of the sums of money deposited in the Savings Bank in this Colony; and the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, shall thereupon administer to the said Protector, or *Deputy Protector of Slaves (as the case may be)* an oath that such report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as the said Protector, or *Deputy Protector of Slaves (as the case may be)*, shall have made his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before, the said Lieutenant-Governor, or acting Lieutenant-Governor, shall issue to the said Protector, or *Deputy Protector of Slaves (as the case may be)*, a warrant upon the Receiver-General of this Colony, for the amount of his salary for the half-yearly period embraced by those returns; and the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, shall be, and he is hereby required, by the first convenient opportunity, to transmit such report to His Ma-



jesty's Principal Secretary of State for the Colonies. And it is hereby further ordered, that if the Protector, or *Deputy Protector of Slaves (as the case may be)*, or any Assistant Protector of Slaves, shall wilfully and fraudulently make, or cause to be made, any erasure or interlineation in any of the books, records, or returns aforesaid, or shall wilfully falsify, or cause to be falsified, such document, or burn, cancel, or obliterate the same, the person or persons so offending shall incur such penalty or imprisonment as shall be imposed at the discretion of the *Court of Criminal Justice of this Colony*; and if such person be the Protector, or *Deputy Protector of Slaves*, he shall moreover be thereby disqualified from holding his office.

*Note.*—This in lieu of the 35th Clause of the Demerara Ordinance.

39.—*And it is hereby further ordered, that all acts declared by this ordinance to be misdemeanors, shall be heard, tried, and inquired of before the Court of Criminal Justice of this Colony at the instance of the Fiscal, and that all the pecuniary fines and penalties hereinbefore imposed shall be recovered in the Court of Civil Justice of this Colony by the said Fiscal, in the usual and ordinary manner as in the case of other Fiscal actions. Provided that all the prosecutions for misdemeanors, and actions for pecuniary fines and penalties under this Act, shall be commenced within twelve months next after the commission of the offence; and the information and proceeding thereon, before a person properly authorized, shall be deemed and taken to be a commencement of such prosecution.*

*Note.*—This is the concluding part of the 35th Clause of the Demerara Code, and it has been deemed but equitable and just to apportion one-half of the fines to the use and benefit of the Fiscal, because he receives no fixed salary from the Colony, whereas the Fiscal in Demerara does receive a fixed salary of considerable amount from that Colony.

40.—And it is hereby further ordered, that all fines and forfeitures recovered under the several provisions of these regulations, shall be divided and paid in the manner following, that is to say, one half to the Fiscal of the Colony, and the other half to be paid into the colonial chest.

41.—And it is hereby further ordered, that if any person shall be twice convicted of inflicting upon any Slave any cruel and unlawful punishment, the person so convicted before the Court of criminal justice of this Colony, shall thereby incur double the penalties hereinbefore provided for such offence; and he or she shall moreover be declared by the Court of criminal justice absolutely incapable to have the management or superintendence of any Slave or Slaves within this Colony; and if the person so convicted shall be the owner or proprietor of Slaves, such Slaves, together with the estate to which they may be attached, shall be placed in the hands of two or more curators to be appointed by the Court of civil justice upon the application of the Protector or Deputy Protector of Slaves made to such Court for such purpose, who shall administer and manage the same under the same regulations heretofore in such cases existing; and be accountable in the same manner as all other curators appointed by the Court of civil justice now are. Provided, however, that nothing herein contained shall prevent such owner or proprietor from inspecting the accounts to be kept by the curators so appointed, and from receiving and using for his or her own benefit, the clear revenue arising from such Slaves and estate to which they may be attached, in such manner as he or she would have been entitled to the same, if no appointment of such curators had taken place. Provided also that nothing herein contained shall extend or be construed to extend to prevent the owner or proprietor of such Slaves or estate from selling or disposing of the same, in like manner as would have been lawful, in case no such curators had been appointed.

Additional Clause to the Demerara Code.

42.—*And it is further ordered, that by every person having the charge of a task or working gang exceeding six in number, and upon every estate throughout this Colony, there shall be carefully kept and preserved a copy of this Ordinance, to which access may at all times be immediately had, under a penalty in case of neglect or default of five hundred guilders, to be incurred and paid by the owner or proprietor of such estate and task or working gang as aforesaid.*

43.—And it is hereby further ordered, that all Laws and Ordinances of this Colony, in any wise repugnant to the several provisions, matters, and things hereinbefore expressed or contained, shall be, and the same are hereby repealed and declared to be null and void and of no effect.

44.—And it is hereby further ordered, that this Ordinance shall take effect

on, and be in full force, from and after the first day of November next ensuing the date hereof.

And that no ignorance of this Ordinance may be pleaded, these presents shall be published in the Gazette of this Colony, and copies sent round to each and every estate and plantation therein for general information.

Thus done and enacted in Council of Government, held at the King's House, Berbice, this twenty-fifth day of September in the year of our Lord one thousand eight hundred and twenty-six. Present—His Excellency the Lieutenant-Governor, and the Honourable Members Wm. Scott, Charles Kyte, Wm. Campbell, James Culley, and T. A. Jones, and J. S. Usher.

(L. S.)

HENRY BEARD.

By Command,

(Signed)

F. WHITE, Dep. Sec.

### INDEX.

Article 1.—Protector's salary f. 14,250, payable out of the ordinary revenues.—Oath of office.

2.—Protector to keep an office in New Amsterdam.—Books and papers to be kept in such office, and not elsewhere.

3.—Protector not to be interested in any plantation, Slaves, or mortgage. Not to act as manager, overseer, agent, or attorney, &c. of any estate; not to act as the guardian, trustee, or executor of any person interested in Slave property. In case of Protector acquiring Slave property in his own right, or in right of his wife, to forfeit his office.

4.—Protector not to leave the Colony without a licence. Leave of absence not to exceed three months.

5.—Governor to fill up vacancy in the office of Protector. No person to act as Deputy Protector who cannot act as principal—certain exceptions. Protector to do the duty in person.

6.—Protector to be a Magistrate throughout the Colony, with the same power (as regards the Slave population) as is exercised by the civil Magistrates in their respective districts.

7.—Civil Magistrates to be Assistant Protectors of Slaves in their respective districts.

8.—President of the Court of Criminal Justice to appoint advocates to defend Slaves prosecuted criminally; such advocates to be paid taxed costs out of the Colonial chest. Protector empowered to prosecute actions at Law on behalf of Slaves.—In civil suits, where Slaves are parties, notice to be given to the Protector.

9.—Slaves not to be worked between sun-set on Saturday and sun-rise on Monday. Slaves not to leave the estate on Sunday without permission.—Weekly allowance may be served out to Slaves on Sunday, previous to eight o'clock A.M.—Certain exceptions as to domestics, preservation of cattle, &c.; nurses, watchmen, &c.; prevention of fires, &c.; boiling off and potting sugar; turning and drying coffee and cotton; the labour of picking, turning, and drying of coffee and cotton to be paid for in the current money of the Colony. Rate of wages to be fixed by Protector, subject to the approbation of the Governor in Council. Parties refusing to pay Slaves for picking coffee and cotton on Sundays to be fined. No person to hire the Slave of another to work without owner's consent. Persons unlawfully hiring Slaves to be fined f. 600, or suffer imprisonment.

11.—Sunday markets to be closed at eleven o'clock A.M.; goods exposed for sale after that time to be forfeited.

12.—No person to carry, or authorize the carrying of a whip in the field, as a badge of authority, or as a stimulus to labour, after the 1st of November 1826, under a penalty of f. 600, or imprisonment.

13.—Punishment of male Slaves not to exceed twenty five lashes, and to be inflicted in presence of a free witness, or of six Slaves, at or near the buildings, under a penalty of f. 900, or in case of non-payment, imprisonment not exceeding six months.

14.—No female Slave to be punished by flogging after the first of November



1826, under a penalty of f. 1400, or imprisonment not exceeding six months. Punishments substituted for the whip. Female Slaves under twelve years of age to be punished the same as children at school—any indecent exposure of the person to be avoided. Cognizance taken of extraordinary offences by civil Magistrates.

15.—A Punishment Record Book to be kept by all managers of task or working gangs exceeding six in number, and upon every estate; in which book the particulars of all punishments must be entered within 48 hours after infliction, under a penalty of f. 300 for each offence. Persons making false entries or erasures in Punishment Record Book to be fined f. 300 for each offence, or three months imprisonment. Form of Punishment Record Book.

16.—Proprietors of task gangs or estates to make returns of all punishment, on oath, twice a year to the civil Magistrates, under a penalty of f. 300.

17.—Magistrates, as such, Assistant Protectors of Slaves, to transmit the returns and affidavits made to them to the Protector of Slaves in the months of February and August each year.

18.—Protector to enter such returns in a book, or set of books, and to preserve originals.

19.—Slaves may marry on obtaining licence.—Mode of obtaining such licence.

20.—Regular licenced Ministers of religion authorized to solemnize such marriages on production of licence.—Ministers to keep a register of all marriages.

21.—Owners, &c. to pay a gratuity to female Slaves for every child born in marriage, or reputed marriage, when the child is six weeks old (if child be then alive).—Females having six children alive, the youngest seven years old, not to do field or any other than light work under a penalty of f. 300.

22.—Owners to supply Slaves with the customary allowance of food and clothing, under the penalty therein provided. Estates to have one acre of provisions planted for every five Slaves; or in lieu thereof, when found, inadequate, to purchase a sufficient supply.

23.—Field work of Slaves to be from six o'clock in the morning to six in the evening, allowing two hours during that period for rest and meals, under a penalty of f. 300.

24.—Owners of estates to employ legally qualified medical practitioners, and to furnish sick Slaves with what may be requisite. Every estate to have an hospital, with proper conveniences, under a penalty of f. 600. A book or register kept in the hospitals; treatment of sick to be entered therein by the medical attendant, under a penalty of f. 22, for each offence.

25. No Slave who may have died suddenly to be buried without an inquest being first held on the corpse, under a penalty of f. 500.

26. Husbands and wives, or their children under sixteen years of age, not to be separated in enforcing the execution of any sentence, &c. Directions to marshals and sworn clerks, as to the mode of levying executions in such cases. In case of doubt Protector to decide. Record to be kept of all married Slaves on the estates, and transmitted to the Protector when required, under a penalty of f. 500.

27.—The custom of permitting Slaves to enjoy and dispose of landed and other property recognised by law—fire-arms, ammunition, and colonial produce, excepted. Slaves not to keep any stock on their master's land without permission. Owners or protectors of Slaves may maintain actions in their own names against parties indebted to Slaves. Persons refusing to pay over money, &c. recovered for the use of a Slave, to be fined or imprisoned at the discretion of the Court. Owner's right of property in the Slave, and his services, not to be prejudiced by privileges of the Slave. Property acquired by Slaves, and not their persons, liable for their debts.

28.—A Savings Bank to be established under the direction of the Protector of Slaves, subject to the superintendence of the Governor, and Council of Government.

29.—No tax or fee to be paid on manumissions. Persons taking any fee in respect to manumissions, to be fined, not exceeding f. 1000, nor less than f. 100.

30.—Owners desirous of manumitting a Slave, to give notice in writing to the Protector of Slaves, who is to fix the amount of deposit or security in cases

where necessary. Deposits to be paid to the Treasurer of the Poor's Fund. Protector to give public notice of intended manumission; and in case of opposition (which is to be tried *de plano*), to defend the Slave. Protector to enrol manumissions in the Colonial Secretary's Office within one month, under a penalty of f. 500. Manumissions, when enrolled, to be delivered to the Slave, who shall then be deemed free.

31.—The right of Slaves to purchase their freedom recognised by law. Mode of proceeding to effect their manumission.

32.—President, in the presence of the Protector and the Owner, Attorney, &c. to hear and decide summarily between the parties, in case of any impediment to the affecting a manumission. Mode of appraisement.

33. On payment being made of the appraised value of a Slave, said Slave to be deemed free.

34.—Mode of disposal of the proceeds of the sale of a manumitted Slave.

35.—Clergymen to deliver certificates to the Protector of Slaves of the names and places of abode of such Slaves, as they may consider sufficiently instructed in religion to understand the nature and obligation of an oath. The Protector of Slaves, to register such certificates in a book. Unlicensed Clergymen not competent to grant certificates.

36.—Slaves competent to give evidence, if registered in such book. Protector to grant certificate thereof without fee. Slaves not competent evidence in cases affecting the life of a free person. The authority of the Court of Criminal Justice to admit the evidence of Slaves in any case not diminished. Slaves not to be deemed competent to give evidence, who would be incompetent if free.

37.—Salary of Protector of Slaves to be in full, and in lieu of all fees. Protector taking fees to be fined double the amount, and disqualified from holding his office.

38.—Protector to deliver returns and a report on the 1st January 1827; and afterwards half yearly to the Governor on oath, and then to receive a warrant for his salary. Governor to transmit report and returns to his Majesty's Government. Protector, or Assistant Protector, of Slaves, wilfully or fraudently altering, &c. returns, to be fined and imprisoned, and if the Protector, to lose his office.

39.—Misdemeanors under this Act to be tried before the Court of Criminal Justice by the Fiscal. Fines and penalties to be recovered in the Court of Civil Justice by the Fiscal. Actions to be commenced within twelve months.

40.—Fines to be paid, one half to the Fiscal, and one half to the Colonial Chest.

41.—A person twice convicted under this Act, liable to double penalties, and not to be allowed to manage Slaves; if a proprietor, Curators to be appointed to manage his estate in the usual manner.

42.—All managers of estates or task gang to have a copy of this Ordinance, under a penalty of f. 500.

43.—All Laws and Ordinances to this Act repealed.

44.—This Act to be in force from and after the 1st November 1826.

*Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.*

Present.

His Excellency Henry Beard, Esq. Lieutenant-Governor; the Honourable William Scott, Charles Kyte, William Campbell, James Culley, and T. A. Jones.

Absent.—J. S. Usher.

Monday, 25th September 1826.

(After Prayers.)

The Secretary, pursuant to direction, brought up a fair copy of the Ordinance for the melioration of the condition of the Slaves in this Colony, which having been read, was finally approved, passed, and signed.

His Excellency directed the Secretary to cause the said Ordinance to be immediately published in the Colonial Official Gazette, and to procure five hun-

dred copies for circulation throughout the Colony, as also for the supply of individuals requiring copies, to be furnished unto them at f. 11 for each copy, and the money arising from the sale of them to be carried to public account.

The Council then, with his Excellency's permission, desired it to be minuted as follows :

" The Council of Government having now completed the new Code for the religious instruction and amelioration of the Slave population in this Colony, avail themselves of the opportunity afforded to express their hope, that should a deterioration of property unfortunately follow the promulgation of said Code, and ruinous or injurious consequences ensue to the planter therefrom, the views of His Majesty's Government having been voluntarily entered into by the Council, shall not be held to debar their fellow Colonists from that claim to compensation expressly secured to them by the concluding Resolution of the House of Commons in May 1823, ' That the interests of private property should be ' fairly and equitably considered,' and which it may be asserted the Planters and others would undoubtedly have a right to, if the Code had been enforced without the concurrence of the Council, but rather that their adoption of the measures, recommended by His Majesty's Government in this respect, may be the means of entitling the Colony to the most favourable consideration.

" The Council beg leave to congratulate His Excellency on the unanimity and good understanding which has most happily prevailed between himself and the members during their discussions on this important subject, and to assure his Excellency of the grateful sense they entertain of his unwearied attention and ready acquiescence in those modifications of certain clauses of the proposed Code, which they, from local experience, and a due regard for the interests and welfare of this community, deemed it expedient should be introduced."

#### No. 14.

SIR,

*Downing Street, 26th December 1826.*

23d October 1826.

I HAVE received your despatch of the date mentioned in the margin, enclosing a copy of the Ordinance which has been passed for meliorating the condition of the Slaves in Berbice. I have not yet been able to examine this Law so minutely as to prepare me to submit it to His Majesty in Council; but I take the first opportunity of communicating to you His Majesty's approbation of the zeal which you have evinced in the execution of your duty on this occasion, and I am to desire that you will convey to the Court the sense which His Majesty entertains of the highly praiseworthy manner in which they have applied themselves to the subjects which have been brought under their consideration.

I have, &c.

*Lieutenant-Governor Beard,*  
&c. &c. &c.

(Signed) BATHURST.

#### No. 15.

MY LORD,

*Berbice, 20th November 1826.*

I HAVE the honour to transmit to your Lordship the Reports of the Civil Magistrates in this Colony, made to me in consequence of my circular letter to them of the 12th of October last, requesting them to explain the new Slave Code upon the several estates in their respective districts; a copy of which circular letter I had the honour to transmit to your Lordship in my despatch of the 23d of October. In addition to these Reports, I now forward to your Lordship similar Reports from the Fiscal and the superintendant of the Winkel Negroes, and I flatter myself that the whole will be satisfactory to your Lordship.

I am happy to be able to inform your Lordship, that is impossible for the Colony to be more tranquil than it is at this time, and that the new Code appears every where to have produced the most beneficial effects.

I have, &c.

(Signed) H. BEARD.

*The Right Hon. Earl Bathurst, K. G.*  
&c. &c. &c.

*Reports of the Civil Magistrates in the several Districts in the Colony of Berbice, on the promulgation of the New Code of the 25th September 1826, for improving the condition of the Slave population therein.*

## A.

SIR,

*West Court, Berbice, 25th October 1826.*

I HAVE the honour to report, for your Excellency's information, that I have visited the several estates within this district agreeable to your instructions of the 12th instant, and explained to the Negroes the new Slave Code of the 25th of September last, and it affords me much satisfaction to assure your Excellency that it was received by them with much pleasure, and that in a population of upwards of 2000 Negroes they seem to be contented and happy.

I have, &amp;c.

(Signed)

H. DOWNIE, Civil Magistrate.

To his Excellency Henry Beard, Lieut.-Governor, &c. &c.

## B.

SIR,

*Plantation, Melville, 26th October 1826.*

IN conformity with your Excellency's instructions, dated the 12th instant, I have the honour to report, that I handed a copy of the new Code of Laws to the respective managers in charge of estates in the East Coast District, and explained to the most intelligible Negroes on each estate, every clause which I thought necessary and useful to communicate to them, and in such language that they could fully comprehend the true meaning and intent of them; after a full explanation, I asked them if they had any reply to make. The general answer was "No."

I have great satisfaction in reporting to your Excellency, that on this occasion the Negroes behaved themselves remarkably well; and further, that, during the period that I have acted as Burgher Officer in this district, very few instances have occurred to my knowledge of the Negroes going with complaint to the public authorities; which is no less creditable to their owners than to the respective managers in charge of estates. I trust I shall from time to time be enabled to report in the same favourable manner; and that the new Code of Laws will not cause them to pursue a different line of conduct.

I beg leave to mention to your Excellency, that it is my intention to leave the Colony for Europe early in the month of January; until then, I shall do all in my power to act up to the instructions received from your Excellency.

I have, &amp;c.

(Signed)

GEORGE WATSON,

Civil Magistrate, East Coast District.

To his Excellency Henry Beard, Esq. Lieut.-Governor.

## C.

SIR,

*Berbice, 26th October 1826.*

ON the 13th instant we had the honour to receive your Excellency's appointment as Civil Magistrates in the second district of the River Berbice, commencing at, and including Plantation de Edward, and extending to Plantation Op Haop van Beter, West Bank, which commission we have accepted of with due submission and respect. We further took the oath as Civil Magistrates on the 19th instant.

We now beg leave to report to your Excellency that we have visited all estates within our district, and distributed to the respective managers the late Ordinance, dated 25th September last, relating to the bettering of the state and condition of the Slave population within this Colony, which we have explained to the head people, and most sensible Negroes. They all listened to it with

great attention: made hardly any reply, but thanked us in general for our trouble for communicating the new Ordinance to them.

We have, &c.

(Signed)

F. MAURENBRECKER,  
G. PRASS,

Civil Magistrates Second District, River Berbice.

*To his Excellency Lieutenant-Governor Beard, &c. &c.*

## D.

SIR,

*Plantation Sandvurt, 26th October 1826.*

I HAD the honour to receive your Excellency's letter of instructions of the 12th instant, inclosing me a commission as Civil Magistrate in this district, and have now the honour to inform you that in obedience to your Excellency's commands, I have directed the several managers to make known and explain in the most explicit manner to the Negroes under their charge, the nature and substance of the new Code of Laws of the 25th September, for promoting the religious instruction of the Slave population in this Colony, and bettering their condition; and that I have received their respective Reports, stating their having complied accordingly.

On two estates, Plantation Blyendaal and Anna Clementia, I personally read and explained the Slave Code, as the managers of these estates especially requested I should do so, under the plea that the Negroes, being Dutch, did not give that credit to their statement of it as was sufficient to establish a good understanding between them; and it affords me satisfaction to inform your Excellency, that on my explaining it they seemed highly gratified and thankful for the benefits bestowed upon them, expressing hopes that their future conduct would sufficiently prove they felt the full extent, and were sensible of the protecting and salutary regulations provided for them.

I made it a point to impress upon their minds that the Punishment Record Book was meant not only as a check on the conduct of the manager towards the Slaves, but also as a record for the information of your Excellency and the Government to know such of the Negroes whose characters are really bad; and that such as appeared often in that book would be debarred of many of the benefits afforded to the Slaves of good character by the provisions of this Code.

On the whole I have reason to believe the new Code of Laws will make the Negro a better member of society than heretofore, as it places him on a footing of equality, and makes his situation in many respects better than the free people, and of consequence renders him a more important being in his own estimation than before.

I shall not fail to acquaint your Excellency of any circumstance worthy your hearing that may from time to time occur in this district.

I have, &c.

(Signed)

P. NICHOLSON,  
Civil Magistrate, West Bank, Canje Creek.

*To his Excellency Governor Beard, &c. &c.*

## E.

SIR,

*Berbice, 30th October 1826.*

IN pursuance of instructions received from your Excellency, dated the 12th instant, we have the honour to report to your Excellency, that the Ordinance for promoting the religious instruction and bettering the condition of the Slave population of His Majesty's Colony of Berbice, has been explained to the Negroes on the several estates in this district; to some, by ourselves personally, and to others, by the proprietors or their representatives, and that the Negroes in general in this district appeared reconciled to the same, expressing neither disappointment nor satisfaction at the orders contained therein.

We imagine some considerable time will elapse before the Negroes will be

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made sensible of, or enter into the views of Government, as far as regards the Savings Bank system. We have explained it to the best of our abilities, and must trust to time to develope to them its utility and advantage.

As many of the articles contained in the new Ordinance have been anticipated for some considerable time past by many of the planters in this Colony, such as, 1st, abolishing the use of the whip to the females, and seldom using it to the males.—2d. Securing to the Negro the whole of the *Sunday*, by distributing their weekly allowance of provisions on Saturday afternoon.—3d. Frequently giving them a day to work their own private provision grounds.—4. Working them by task work on all possible occasions, in which case they rarely ever labour until sunset; we trust there will be a continuance of the same good conduct and quiet behaviour which has hitherto characterised (with a few exceptions) the Negroes of this district.

We have, &c.

(Signed)

H. WHITE,  
CHARLES M'LEAN,

Civil Magistrates, First District, River Berbice.

To his Excellency Lieutenant-Governor Beard, &c. &c.

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F.

SIR,

Kilcoy, 31st October 1826.

IN obedience to the orders contained in your Excellency's Letter, bearing date 12th instant, I have distributed the pamphlets containing the new Slave Code to all the estates and persons owning Slaves in this district, which has been fully explained to the Slaves, either by myself, or the persons in immediate charge of them. As to my observation on the conduct of the Slaves, when explaining the regulations to them, I have to report that they did not seem to evince much satisfaction or disappointment.

I have, &c.

(Signed)

D. FRASER,

Civil Magistrate 2d District, East and Corentyn Coast.

To his Excellency H. Beard, Esq. Lieutenant-Governor.

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G.

SIR,

November 1st 1826.

IN compliance with your letter, dated 12th October, we beg leave to report to your Excellency that we have sent a circular through this district on the 24th ultimo, desiring the gentlemen having charge of Negroes within the same, to keep the Drivers, and some of the principal Negroes on each estate about the buildings on the following day, for the purpose of explaining to them the new Code, of the 25th September last, for promoting the religious instruction of the Slaves in this Colony, and bettering their condition, which we accordingly did on every estate in this (fourth) district, plantation Overysel excepted, from Mr. Downer's not having any of his Negroes at hand when we called on that estate, but he promised that he would explain the new Code to his Negroes on or before Sunday last, and report to us in writing that he had done so; but this report he has not as yet sent.

The Negroes on the other estates heard the new regulations explained with marked indifference.

We have, &c.

(Signed)

GEORGE MAC ANDREW,  
K. TERLET,

Civil Magistrates, 4th District, River Berbice.

His Excellency Lieutenant-Governor Beard, &c. &c.

## H.

SIR,

*Berbice, 2d November 1826.*

IN pursuance of the instruction contained in your circular of the 12th October, we distributed copies of the new Code for bettering the condition of the Slave population, to the different estates in our district, with directions to the managers to explain the same fully to the Slaves under their charge, and we have since taken an opportunity of visiting the several estates ourselves, and explaining in general terms to the principal Negroes on each, the object and extent of the same. In every instance, the Negroes appeared to comprehend fully the substance of the new laws, and extremely ready to listen to what we said, without, however, expressing themselves either satisfied or otherwise.

We have, &amp;c.

(Signed)

W. FRASER,  
JOHN ALVES,

Civil Magistrates for the East Bank, Canje.

*His Excellency Lieutenant-Governor Beard, &c. &c.*

## I.

SIR,

*River Berbice, 2d November 1826.*

WE most respectfully beg leave to acknowledge the receipt of your excellency's commission appointing us civil Magistrates of the 3d District, Berbice River, dated 12th October 1826, as also your Excellency's circular of the same date, appointing us to be assistant Protectors of Slaves.

We have, according to your Excellency's commands of that date, visited the different estates in our district, and explained to the Slave population the new Code of the 25th September 1826, for bettering their state and condition; which Code was received by the Slaves on the different estates in a satisfactory manner, as far as we were able to judge:—We have, therefore, no remarks worthy of your Excellency's knowledge.

We have, &amp;c.

(Signed)

J. V. METTELHOLZER,  
EDWARD HICKS,

Civil Magistrates, 3d District, River Berbice.

*To his Excellency Lieutenant-Governor Beard, &c. &c.*

## K.

*West Coast, Berbice, 4th November 1826.*

MAY IT PLEASE YOUR EXCELLENCY,

ACCORDING to your instructions of 12th Oct. I have personally visited the several estates in my district, and have read and explained to the gangs thereof, the provisions of the new Code of Laws, 25th September, and have much pleasure in informing your Excellency it was generally well received, and afforded satisfaction; although, from most of these clauses being long in custom, the Negroes expected something new, and what they had not experienced.

I have, &amp;c.

(Signed)

JOHN S. USHER.

*His Excellency Lieutenant-Governor Beard, &c. &c.*

## L.

SIR,

*Plantation Mary's Hope, 4th November 1826.*

I HAVE to inform you, for the information of his Excellency the Governor, that, agreeably to my instruction, I have caused the new regulations for promoting the religious instruction, and bettering the condition of the Slave popu-

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lation in this Colony, to be read and explained to the Negroes, on their respective estates, in the 3d District of the East and Corentyn Coast, and they have since behaved in a quiet and orderly manner.

I am, &c.

(Signed)

WILLIAM RICHARDSON,

Civil Magistrate.

To *W. M. Morris, Esq. Government Secretary.*

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M.

SIR,

*Winkel Office, Berbice, 30th October 1826.*

IN compliance with your Excellency's desire I yesterday morning assembled the Winkel Negroes, and explained to them the Ordinance for the religious instruction and amelioration of the condition of the Slave population in this Colony. In doing so I endeavoured to make them clearly and distinctly understand the nature and extent of the important privileges secured to them by the Ordinance, and to impress upon their minds that it was only by making a proper use of the benefits now granted to them that they were to look forward to an extension of them hereafter. And I now have respectfully to report, for your Excellency's information, that all the people, but particularly the headmen, appeared perfectly satisfied, and grateful for what had been done for them, and expressed their determination to endeavour, by their future good conduct, not only to prove themselves deserving of the privileges already conferred upon them, but to merit their extension hereafter.

Mr. Power, the Protector, was kind enough to attend, and expressed his entire satisfaction with the general appearance of the Negroes (particularly the children), and with their very orderly and decorous conduct on the occasion.

I have, &c.

(Signed)

WM. SCOTT,

Superintendent, Winkel Department.

To his Excellency Lieutenant-Governor Beard, &c. &c.

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N.

SIR,

*Fiscal's Office, Berbice, 10th November 1826.*

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 12th October, enclosing copy of the Ordinance of 25th September last for promoting the religious instruction and bettering the state and condition of the Slave population in this Colony, and your Excellency's commands to explain and make it generally known and well understood by all classes of the Slave population in the town of New Amsterdam and its vicinity, and report my proceedings thereon to your Excellency.

In reply I have the honour to state that, for the purpose of complying by all the means in my power with your Excellency's commands, I caused the following public notice to be inserted in the Colonial Gazette of the Colony :

" Fiscal's Office.

" All persons in the town of New Amsterdam, and its immediate vicinity, not being within either of the districts of the local Civil Magistrates, are requested to explain to their Slaves of every denomination the several provisions of the new Ordinance of the 25th September last, regarding that class of the population of the Colony, and the undersigned will be in attendance at his office at the usual hours of business for the purpose of explaining the provisions of the said Ordinance to such Slaves as may be sent or apply to him for that purpose."

In consequence of this notice many Slaves have been sent and many have applied to me; and I have fully and minutely explained the several provisions of the Ordinance to them, and I have great satisfaction in stating to your Excellency that they appeared fully to comprehend it. The major part of those to whom it was explained expressed themselves in such terms of approbation and



satisfaction of the measures contemplated for their moral improvement as to leave no doubt on my mind that as they become more familiarized with the salutary measures for promoting their welfare, they will by orderly and good conduct render themselves deserving of the advantages intended them by Government.

I have, &c.

(Signed)

M. S. BENNETT,  
Fiscal of the Colony.

*To His Excellency Lieutenant-Governor Beard, &c. &c.*

### No. 16.

MY LORD,

*Berbice, 21st November 1826.*

I HAVE the honour to transmit to your Lordship extract minute of proceedings in Council of the 7th of the present month, by which your Lordship will see that the tariff of wages to be paid to Slaves in pursuance of the ninth clause, letter C. of the new Slave Code, for conservatory Sunday labour, has been fixed for three months, in manner recommended by Mr. Power, His Majesty's Protector of Slaves.

I have, &c.

(Signed)

H. BEARD.

*The Right Hon. Earl Bathurst, K.G.  
&c. &c. &c.*

### *Extract from the Register of the Proceedings of the Council of Government of the Colony of Berbice.*

Tuesday, 7th November 1826.

Read a letter, dated the 6th instant, from David Power, Esquire, His Majesty's Protector of Slaves, to the Lieutenant-Governor, submitting the following tariff, or rate of wages, payable to predial Slaves for the several descriptions of labour that may be required of them on Sundays, during the period of three months next ensuing, for the preservation of the crops on any estate, as enumerated in note A, section 5, art. 9, of the Ordinance for bettering the state and condition of the Slaves in this Colony, viz.

For each and every Slave so employed, one guilder per diem.

Ten hours labour, whether continuous or intermissive, to constitute a day; and in order to facilitate the account and remuneration of such labour, the manager or other person in charge is directed to enter in his journal, or book to be kept for such purpose, the periods of such employment of Slaves, and at the end of each and every month to pay in Colonial currency unto them their respective wages, at the said rate per day, and for every lesser period according to the same standard.

Which having been maturely considered, the Council recommend that the said tariff be approved and adopted for the period of three months next ensuing. His Excellency was pleased to accede thereto, and directed the Secretary to signify his approval of such tariff unto the Protector of Slaves.

### No. 17.

MY LORD,

*Berbice, 21st November 1826.*

I HAVE, just at the moment of closing my despatches to your Lordship, received a letter, of which I have the honour to enclose a copy, from Mr. Power, His Majesty's Protector of Slaves in this Colony, conveying the gratifying information that, although the new Slave Code has been in operation only three weeks, the deposits for the Savings Banks by a few negroes amount already to the sum of five hundred guilders, equal to about £36 sterling.

I flatter myself that this Report will be highly satisfactory to your Lordship, and therefore I have deemed it to be my duty to lose no time in making it.

I have, &c.

(Signed)

H. BEARD.

*The Right Hon. Earl Bathurst, K. G.  
&c. &c. &c.*

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SIR,

*Protector's Office, Berbice, 21st November 1826.*

IT is with very great satisfaction that I have the honour to state, for your Excellency's information, that a sum of money, exceeding five hundred guilders, has within the present week been deposited in my hands, under the 28th clause of the new ameliorating Code, by persons in a state of Slavery.

I feel most sensibly the gratification which such early results from the new Code, on a branch most difficult to be made intelligible to the Negroe's mind, will afford to your Excellency; and am led to anticipate the steady but successful progress of the institution of Savings Banks—an institution which, if enabled to take root in this community, must necessarily tend to promote the well-being, and augment the security of all classes of its population.

I have therefore to move your Excellency, that you will be pleased to direct the proper officer in the Colonial Treasury to receive the amount of deposits in my hands, so that the depositors may have their interest on the same, accruing from the earliest possible period.

I have, &amp;c.

(Signed)

DAVID POWER,

His Majesty's Protector of Slaves.

*To his Excellency Lieutenant-Governor Beard, &c. &c.*



## TRINIDAD.

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### No. 1.

MY LORD,

*Trinidad, 24th November 1825.*

HAVING observed in the Order issued by the Governor and Court of Policy in Demerara, for the melioration of the condition of the Slave population, that the planters are to be required to make the punishment returns twice within the year, while the Order of the 10th March 1824 obliges the planters in this Colony to make those returns four times within the same period, I have the honour to solicit from your Lordship, that if the Demerara Order be approved in this particular, your Lordship would be pleased to relieve the planters of this Colony from the obligation at present required of them, of making these returns four times within the year, by directing an Order to be prepared, substituting half yearly for quarterly returns under the 16th clause of the Trinidad Order.

I have, &c.

(Signed)

RALPH WOODFORD.

*The Right Hon. the Earl Bathurst, K. G.*  
&c. &c. &c.

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### No. 2.

SIR,

*Downing Street, 8th March 1826.*

I HAVE received your despatch of the 24th November last, and I have to acquaint you in reply, that when the Order of His Majesty in Council for meliorating the condition of the Slaves in Demerara shall have been issued, due consideration will be given to the propriety of introducing into the new order for Trinidad, any modification which it may be finally resolved upon to admit in the case of Demerara, and which shall appear to be equally desirable for both Colonies.

I have, &c.

(Signed)

BATHURST.

*Governor Sir Ralph Woodford, Bart.*  
&c. &c. &c.

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### No. 3.

*Extract from a Despatch from Sir Ralph Woodford to Earl Bathurst, dated 7th January 1826.*

IN my letter of the 12th June, I observed to your Lordship, that an application had been made in the Council for the printing and publishing of the records of complaints made by Slaves to the Syndic, but as I omitted to urge any reasons on behalf of the proposal, your Lordship declined to sanction it.

As the Council consider that it would be but an Act of justice to give the utmost publicity to such records, I cannot do better than lay before your Lordship a copy of the observations made by Mr. Burnley to the Board of Council when the measure was first proposed, and which have since acquired additional importance and force, so as to have rendered the Board unanimous in their wish to see them made public; and as I see no sufficient motive for opposing it, I therefore beg leave to renew my application in this behalf.

3 Q

*Extract from Minutes of His Majesty's Council, dated the 4th  
September 1826.*

The Hon. Mr. Burnley requested leave to submit the following proposal to the consideration of the Board:

That in future, all cases of complaint, whether from the Master against the Slave, or from the Slave against the Master, which come under the judicial investigation of the Hon. the Judge of Criminal Inquiry, or of the Procurador Syndic, should be published monthly in the Colonial Gazette, stating the names of the parties, of the estate or domicile, the nature of the complaint, and the decree given. There were many reasons which induced him to consider such a measure necessary, which he would take the liberty to detail to the Board. In the first place, feeling as he did, that the great body of proprietors of estates treated their Slaves with as much lenity as the miserable system they unhappily were obliged to administer would admit of, he was anxious that the same should be placed on record; that it would at once silence calumny, and render it apparent that no changes were necessary in this Colony, where the Slaves are already sufficiently protected by the existing laws; but if, on the contrary, as some had asserted, gross instances of misconduct and severity occasionally occurred on the part of the Master towards the Slave, the adoption of the mode he proposed was still more necessary; the shame of public exposure would then be brought in aid of the law; public opinion would at once put down the offenders, and the better part of the community would cease to suffer under the obloquy which attached to a few guilty individuals.

Such a measure would tend to secure strict impartiality and uniformity in the decrees of the officers alluded to, which would remain on record as a body of useful precedents for their successors, and constitute at the same time, a Code by which the community would learn to regulate their conduct. Shades of difference would and must exist in the minds of individuals as to the degree of punishment to be awarded to any specific crime, and gentlemen of honour and humanity, with the best intentions, were now liable at all times to be reprimanded by the Syndic from their entire ignorance of the rule by which his decisions were guided. He did not hesitate to say, that such a state was unjust, and cruel towards the great body of proprietors in the Island, and ought not to be permitted to exist even for a day. As the only resident proprietor of an estate sitting at that Board, he felt it to be his duty to press this matter upon their attention; and he earnestly entreated his Excellency and the Board to give the same a favourable consideration. And Mr. Burnley's proposal being discussed for a considerable time, it was finally resolved, that the monthly statements referred to should be called for, and laid before the Board; when the propriety of the publication thereof would be re-considered.

No. 4.

SIR,

*Downing Street, 12th April 1826.*

I HAVE received your despatch of the 7th January last, transmitting a copy of the observations made at the Board of Council, in explanation of the advantages, which it is expected by that body, would attend the monthly publication in the Colonial Gazette of all cases of complaint, whether from the Master against the Slave, or from the Slave against the Master, which shall come under the investigation of the Judge of Criminal enquiry, or of the Procurador Syndic. In compliance with the wishes of the Council, you will take the necessary measures for causing the publication of these records with regularity, once in every month.

I have, &c.

(Signed)

BATHURST.

Governor Sir Ralph Woodford, Bart.  
&c. &c. &c.

## No. 5.

*Extract from a Despatch from Sir Ralph Woodford to Earl Bathurst, dated 25th February 1826.*

THE Attorney General has contended that, under the 34th clause of the Order in Council of the 10th March 1824, when an individual thinks fit to manumit a Slave without pecuniary consideration, it becomes the duty of the Protector to ascertain that the Owner has full and entire right to grant the manumission: to this the Protector has replied, that his duty is in this respect confined to the examination of the perfect rights to manumit, of those who receive from a Slave consideration money for his purchase; and that, by adopting the other course, he would be acting as the investigator of the rights and property of mortgagees and all other persons connected with the estate, and that any such examination could not prevent fraud, where fraud was intended, as personal Slaves are purchased by private contract, and the mortgage of plantation Slaves may not be recorded at the moment.

## No. 6.

SIR,

Trinidad, 27th April 1826.

IN my despatch to Earl Bathurst of 25th February last, I adverted to a question that had been raised on the obligation of the Protector of Slaves to inquire into the validity of the titles to Slaves brought to him for private manumission. Having recently received the Protector's last observations to the representation of the Attorney General, I deem it expedient to lose no time in placing the same before you, although I am not prepared to submit any alteration in the law in this particular.

The unexpected arrival of the mail does not permit copies being made of this voluminous controversy.

I have, &amp;c.

(Signed)

RALPH WOODFORD.

Robert Wilmot Horton, Esq. M.P.

&amp;c. &amp;c. &amp;c.

TRINIDAD, 1826.

LETTERS from the Attorney General and the Protector of Slaves, upon the 34th Clause of the Order of the King in Council, 10th March 1824, as misconstrued by the Protector in the opinion of the Attorney General.

Attorney General's Report	-	-	-	No. 1
Protector of Slaves's Answer	-	-	-	2
Attorney General's Reply	-	-	-	3
Protector's Reply	-	-	-	4

## No. 1.

SIR,

Port of Spain, 24th December 1824.

I have to submit for your Excellency's consideration the following case, as arising out of the Royal Order in Council of the 10th of March 1824:

A free black man, named Charles Alexander, (who can neither read nor write) purchased, a few months past, in his own name, from Messrs. Joseph and Henry Graham, a female Slave, for the sum of £150 currency, and received from the sellers the original bill of sale to them, and one from them to him, as his title for the Slave, with a receipt for the payment, by him, of the purchase money.

It appears that this female Slave was the daughter of another free black man, named John Dinzy, who had requested of Charles Alexander, as a mark of his special favour and friendship, to purchase this Slave, and that John Dinzy would repay him the money in four months.

The document marked A, herewith, is the note given by John Dinzy to Charles Alexander; no bill of sale was, however, given by Charles Alexander to John Dinzy of this Slave, nor has John Dinzy yet paid the purchase money.

John Dinzy, it appears, carried this Slave before Henry Gloster, Esquire, the Procurador Syndic, Protector and Guardian of Slaves, to have her manumitted as his own absolute property, and as the voluntary act of him the said John Dinzy; and accordingly the Protector manumitted her as the property of John Dinzy, under the 34th clause of the Order.

Charles Alexander came to me to complain that a fraud had been committed upon him by John Dinzy in having this Slave manumitted, inasmuch as John Dinzy had never received a bill of sale of the Slave, or paid the purchase money. Upon my applying to the Protector to be informed of the circumstances, he stated that he considered the acceptance of the document A, by Charles Alexander, as a sufficient transfer by him to John Dinzy, and that all property in this Slave was thereby vested in John Dinzy, although no bill of sale, or bill of parcels, had been granted by Charles Alexander, and he had therefore manumitted the Slave. I, however, differed with him upon this point, and submitted that it was his duty to have ascertained, first, whether the Slave was registered as the property of John Dinzy, whether the title of the Slave was vested in John Dinzy, and whether there was any mortgage existing, on record, upon the said Slave in favour of any person. To this he answered, that it was not his duty, in cases of voluntary manumission, either to ascertain the title of any person voluntarily appearing before him to manumit a Slave, or to inquire as to the existence of any mortgage upon a Slave so voluntarily proposed to be manumitted.

This appearing to me a very extraordinary doctrine, and in my opinion not warranted by the 34th clause, which he said governed this case, and involving as it does consequences as insecure to the Slaves themselves as to the owners of them, whose property is thus in jeopardy, from a misconception, as I submit, by the Protector of the meaning of the Order in this respect, I have been induced to trouble your Excellency upon this occasion. In order, however, to satisfy myself that there was no misunderstanding on my part, as to the opinion of the Protector, I took the opportunity, as Mr. Watherston was in his office, of putting to him the following questions:—Suppose Mr. Watherston was to bring one of my Slaves to you to be voluntarily manumitted, would you perfect the freedom of the Slave without inquiring into the title of Mr. Watherston to the Slave? Yes.—Suppose that Slave had been mortgaged to any person, would you manumit the Slave without inquiring whether there was any mortgage on the Slave? Yes.—By these answers, it appears that the Protector conceives it to be within his power and authority to cause any Slave to be voluntarily manumitted who may be brought before him for that purpose, without inquiring whether the property of the Slave is in the person who proposes to manumit, or whether the Slave is free from mortgage.

This Order shows how careful His Majesty's Government has been to effect the manumission of Slaves in the most legal and effectual manner. The clauses from 28 to 33, relate to Slaves purchasing their own freedom, in cases where they are under mortgage, or where the title is defective, or where the owner objects thereto; and every measure has been devised to remove all difficulties, and the assistance of the Chief Judge has been called, the better to insure to the Slave his or her freedom. The 33d clause relates to manumissions by private contract, and in this it is declared that the Protector, "*on behalf of the Slave, shall be bound to ascertain that such owner has good right and title in the Law, and is competent to effect such manumission.*"

The 34th clause relates to voluntary manumissions without any valuable consideration; in this the Protector is only directed to take bond in cases where the Slaves are under six or above fifty; it is true, as the Protector observes, that he is not specially directed in the clause, as he is in the 33d clause, to ascertain that the person voluntarily manumitting has good right and title in the Law, and is competent to effect such manumission. This was not necessary,

inasmuch as the 33d clause refers to the manumission of *any Slave by private contract*, consequently the same precautions as are required to be observed by the Protector in the one case, must also be intended to apply to the Slaves alluded to in the 34th clause; for why should they not have the same benefit when the latter are manumitted from the voluntary act of the owner, arising from their good and faithful conduct; but it is certain, under the 33d clause, that the Protector is to see that all Slaves who are to be manumitted, shall be freed in the most legal and perfect manner, in order that no question shall ever arise thereafter to trouble or molest the person freed; and that he or she shall always remain in the undisturbed and perfect enjoyment of freedom; for surely, it cannot be supposed or pretended, that a Slave, whose voluntary manumission is intended to be legally perfected by his owner, and for his good conduct, is not to have the same attention paid to him by the Protector as is paid to the Slave who purchases his or her freedom; for although it is true that it is not specially declared, yet the Protector, on behalf of the Slave who is voluntarily manumitted, ought, upon every principle of justice to the Slave, to see that the manumission, so intended to be legally perfected, is so done according to the established Laws, by, first, ascertaining whether the Slave is duly registered; second, if the right, property, and title of the person in the Slave proposed to be manumitted is clear and absolute; and third, by having it certified by the Registrar of Mortgages, that there is no mortgage on the Slave. These are essential requisites, and are absolutely necessary to be observed, in order the better to ensure the warranty and guarantee of the freedom of the Slave. For His Majesty's Government never could have intended that this officer was to be the means of manumitting Slaves by the fraudulent acts of others, and depriving the right owner of his property in the Slave, or, by manumitting a mortgaged Slave, to deprive the mortgagee of his right over the Slave to sell him or her as mortgaged property whenever he might foreclose his mortgage. But the Protector, by his answers, goes the length of declaring that he would manumit a Slave upon the application of A that belonged to B, although the Slave should be mortgaged to C; and in doing so, says that he neither deprives B of his property, nor C of his mortgage right, for the owner only manumits his right and interest in the Slave; but in the case of a mortgaged Slave, the owner may not have any property. But let us see the injury and loss this would produce to a real owner and mortgagee, if, supposing that immediately after the fraudulent manumission of a Slave being perfected, B, the right owner of the Slave, is in a distant part of the country, and C, the mortgagee, is absent, and that the manumitted Slave leaves the Island with the manumission in his or her pocket; where is the remedy of the owner or mortgagee? None.—And therefore both the owner and mortgagee, in such a case, would be deprived, and that fraudulently, of their property; and by whom? By the King's officer, in the supposed exercise of his duty, by manumitting a Slave at the instance of a person who had no right in him—like the case of Alexander and Dinzy. But can such a monstrous doctrine as this be tolerated or maintained for a moment, much less acquiesced in by His Majesty's Government, who would thus be encouraging fraud, and absolutely depriving the lawful owner and mortgagee of their property for ever. But suppose a Slave, manumitted under such circumstances, remains in the island, what is the consequence, but that B is obliged to institute a suit to recover back his property, and C, the mortgagee, is obliged to join in the suit in foreclosing his mortgage. In this case the court of justice, acting under the order, would take it for granted upon the production of the act of manumission, prepared and executed by the Protector, that the Slave was free until B. and C. should prove their property in the Slave: this would cause a tedious and an expensive law-suit; and one no doubt that the Protector would carry to England. But supposing that B and C succeed in their suit, who is to pay the expences thereof, which would amount to three times the value of the Slave? and then would come the most important of all questions, whether a Slave once made free could be reduced into slavery; or supposing it to be a female, and she had had children, and the husband a free man, after the illegal act of manumission had been perfected; are the children by the act of the mortgagee or owner also to be brought into slavery?

Under these circumstances, I submit that the Protector in all cases of



voluntary manumission, as stated in the 34th clause, ought to be governed by the 33rd clause, which declares that the Protector shall on behalf of the Slave, be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission. But I respectfully contend that it is the bounden duty of the Protector, in a case of voluntary manumission, to see that the Slave so intended to be freed shall be legally secured and perfected in his freedom, secured against all claims and incumbrances; and this only can be done by the Protector ascertaining that the Slave is first duly registered, for if he is not, he may be free under the law; second, that the Slave is the absolute property of the person offering to manumit; and lastly, that there is no registered incumbrance on the Slave. When I was Syndic I always observed these essential requisites; for let us suppose a man of bad character, one who will not pay his debts, one who owes a great deal of money in England, secured by mortgage upon his estate and Slaves, he makes an agreement with six of his most valuable Slaves, but in whom he has no property (it not being sufficient to pay his mortgage debt), to give him each 200 dollars, half their value; he then goes to the Protector and declares voluntarily to manumit them; the Protector does so. Is not this a fraud upon the mortgagee of 2400 dollars, their actual value; and will not the freedom of Slaves who are mortgaged be always insecure; and in cases of females, would it not bring into slavery their issue, who are supposed to have been born free, and how distressing this would be to their free father?

It can never be imagined that His Majesty's Government, in bettering the condition of the Slaves, intended to patronise or to sanction fraud.

As an owner of Slaves I should be very sorry indeed if the construction put by the Protector upon the 34th clause was a true one, for I take it that in all and every case of manumission he is bound to protect the Slave in his or her freedom, and if he does that, he at the same time secures the owner and mortgagee of Slaves in the rightful possession of their property, and the one act is equally as desirable as the other. In the case of Charles Alexander alluded to, let us see the injury that is done to him. John Dinzy has not a farthing of property in this island, has no visible means of living, may abscond and take with him his free daughter, while Charles Alexander may go to gaol for want of 300 dollars; but if he had been advised, or was aware of the fraud John Dinzy intended to practice, he might, upon an application to the court, supported by an affidavit of the circumstances of the case, and that John Dinzy had no property and could not have given him security, have obtained an order to prohibit the manumission of this Slave until John Dinzy had paid Charles Alexander. But I deny, as an advocate, that John Dinzy had a sufficient ownership in the Slave thus fraudulently freed. The note does not transfer the Slave to John Dinzy; he only promises to pay the sum of 300 dollars, and that the property in this slave did not pass by the note.

I trust, therefore, that should your Excellency agree with me in opinion as to the necessity of the Protector complying, in all cases of voluntary manumission, with the directions contained in the 33rd clause, that he will be so ordered, securing as it thereby would, absolute and perfect freedom to the Slave, and security to owners in their Slave property.

I have, &c.

(Signed)

HENRY FULLER,

Attorney General.

To his Excellency, Sir J. R. Woodford, Bart. Governor.

&c. &c. &c.

A.

Trinidad, 12th February 1824.

D300. of 10s.

Four months from date, I promise to pay to Mr. Charles Alexander, or order, the sum of three hundred dollars of ten shillings, being the amount he answered to pay Mr. Graham for my daughter Judy Dinzy.

his  
JOHN X DINZY.  
mark.

Witness, John James Clark.

No. 2.

SIR, *Protector of Slaves' Office, Port of Spain, 3 Feb. 1825.*

I have considered the subject of manumissions granted to Slaves by their owners, without valuable consideration; and I trust that the result of my reflections will satisfy your Excellency that I have not "misconceived the meaning of the Order in Council of the 10th of March last" in that respect, and that the doctrine which I propose to uphold does not involve in it "consequences as insecure and injurious to the Slaves as to their owners."

By the 33d section of the Order it is directed, "That before the manumission of any Slaves by virtue of any private contract for that purpose between such Slave and his owner, notice of such intended manumission shall by the owner of such Slave be given in writing to the protector and guardian of Slaves, who, on behalf of the Slave, shall be bound to ascertain that such owner has good right and title in the Law, and is competent to effect such manumission."

The evident intention of this Clause is to secure to the Slave a valid and effectual freedom, in consideration of the price he has paid. He has a twofold warranty—that of the master, who is bound to restore his price in case his freedom is not valid; and, secondly, that of the Protector, who, at his own peril, permits the execution of an invalid instrument.

Contract is defined to be "an agreement *upon sufficient consideration* to do, or not to do, a particular thing"—and again, "a contract is the voluntary agreement of two or more persons, by which something is to be given or performed upon one part for a valuable consideration, either present or future, on the other part."

A voluntary manumission without valuable consideration paid to the owner cannot, I submit, be said to come under this definition, and, therefore, there is the strongest presumption for concluding that His Majesty's Ministers, in framing the Order in Council, intended the precautions contained in the 33d section to be taken only in the cases of private contracts for consideration, and not in the case of a voluntary and gratuitous grant of freedom.

The 34th section enacts, "That in case any Deed of Manumission shall be executed voluntary, and without any valuable consideration passing to the owner or other person effecting such manumission, the Slave shall appear before the Protector, or before the Commandant of the quarter in which he may be resident, and if it shall appear that the Slave to be manumitted is under the age of six years, or above the age of fifty, or is labouring under any habitual disease, &c. the person about to effect such manumission shall execute a bond to His Majesty, in the sum of two hundred pounds, that the Slave shall be properly fed, &c. &c."

Now if it was ever contemplated that the question of title was to be inquired into in all cases of manumission, would the Commandants of quarters have been empowered, as they are, by the 34th Clause, to execute the manumissions of persons under six, or above fifty years of age?—or rather would not their names have been omitted in that Clause, as they are in the 33d, by reason of the legal questions which might arise in a case of contract for valuable consideration?—would the provisions of the 29th Clause have been found necessary in the special cases there enumerated if the question of title was at all times to have been fully investigated?

I therefore conceive that the enactments of the 33d section were intended as exclusively for the regulation of manumissions for a valuable consideration, as those of the 34th section are for the regulation of gratuitous manumissions, and I submit, that this view is not only in perfect consonance with the general spirit of the whole order, which is expressly adapted and declared to be for the improvement of the condition of the Slaves in this Colony, but also strictly conformable to the rules of equity and good policy.

It is an incontrovertible principle in law and equity that no one can convey away, or relinquish a right, unless it is legally and uncontrollably vested in himself, and therefore, it was necessary, in order to secure the rights of Slaves wishing to purchase their freedom, to ascertain that their reputed owner was truly and legally the owner of such Slave, and that he was not incapacitated by a mortgage, or other legal lien already existing on the Slave, from granting a

valid and unquestionable manumission; this is, beyond doubt, the object of the precautions and forms ordered to be taken and observed in the case of a manumission by private contract. They are precisely the forms and precautions which would be taken in the sale or transfer for an onerous consideration of the Slave, or of any other kind of property; and the sole object in either case, is to establish and ascertain that the person to whom the consideration is paid is legally qualified to grant the right for which it is paid.

Now no such danger can arise in the case of a voluntary manumission granted without valuable consideration.—If the Slave is not the property of the person granting the manumission, or is mortgaged by him to a third party, the act of manumission can neither confer any right on the Slave, nor injure the true owner or mortgagee: but, on the contrary, in respect to these parties, the Deed will be null and void. The Slave will continue to be the property of the true owner, or be hypothecated to the mortgagee, as the case might be. In the former case the manumission would be, *ipso facto*, null and void—in the latter, it would only have the effect of conveying away the reversionary interest which the owner might eventually have in the Slave, but could never injure the right of the mortgagee—nor would the Slave himself suffer any injury; having paid nothing for his manumission, the resumption by his master of his rights over him would deprive him of nothing, and he would only be reduced to his former situation.

It is true that the Attorney General, in his report on the case of Alexander and Dinzy, has pictured several hardships imposed on the master by the Order in Council; but I respectfully submit to your Excellency that these hardships, if they are so to be considered, do not arise from the Order; but are either the unavoidable casualties to which the possession of property is exposed, or are to be attributed to the improper carelessness and inattention to their interests, on the part of the owners or mortgagees of property, and that if the principles on which the doctrine of His Majesty's Attorney General is founded, are to be generally adopted, the Protector and Guardian of Slaves would be transformed into the Protector and Guardian of all the Slave owners and mortgagees in the Island, and so much of his time and attention would be occupied in defending and preserving the rights of the owners and mortgagees, that little would remain for the investigation and redress of the grievances of their Slaves.—Indeed, this addition to the duties of the Protector and Guardian of Slaves, would supersede the necessity for owners or mortgagees appointing Attornies or Lawyers to watch over and defend their interests. But I flatter myself that your Excellency will be satisfied that the premise assumed by the Attorney General have no foundation in reason or Justice.

I, however, await your Excellency's determination on the subject, and with great respect, remain, &c.

(Signed) HENRY GLOSTER, Protector of Slaves.

To his Excellency Sir Ralph J. Woodford, Bart.

&c. &c. &c.

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No. 3.

SIR,

Port of Spain, 31st August 1825.

I HAVE considered with every attention the subject deserves, the answer of the Syndic Procurador-General and Protector of Slaves to the letter I had the honour of addressing your Excellency in the month of December 1824. I must confess that I should consider myself very unfortunate, if the subject matter of that letter should be declared to have no foundation in reason or justice. It will be my duty to endeavour to show to the contrary.

It has been most unquestionably declared by His Majesty's Government, that the Order in Council of the 10th of March 1824, was not in any manner intended to interfere with, or encroach upon, the proprietors of West India property in respect of Slaves; and that the Order in Council was intended, as in fact it is declared to be made, for the religious instruction of the Slaves in Trinidad and for the improvement of their condition.

The only real obstacle opposed by the Protector of Slaves, appears to be the additional trouble it will give him, by considering that the 34th clause is to be

governed or connected with the 33d clause ; because, he observes, " that if the principles on which the doctrine of His Majesty's Attorney General is founded, are to be generally adopted, the Protector and Guardian of Slaves would be transformed into the Protector and Guardian of all the Slave owners and mortgagees in the Island, and so much of his time would be occupied in defending and preserving the rights of the owners and mortgagees, that little would remain for the investigation and redress of the grievances of their Slaves."

This plea, if true, but which I deny, ought not to be allowed to operate, because it is expected that the whole time of the Protector and Guardian of Slaves is of necessity to be devoted to the duties of his office ; and if it is declared to be necessary that his time should be devoted to the objects mentioned in the 33d clause, surely the plea now offered by him will not be considered as sufficient to prevent him from devoting his time to the same objects that are mentioned in the 34th ; as there can be no doubt that this last clause should be governed by the precautions ordered in the 33d.

The facts of the case, as submitted by me, and the answer of the Protector of Slaves to the questions put to him in the presence of Archibald Watherston not being denied by him, I am right in assuming that he has admitted the truth thereof.

The case of Alexander, as it actually happened, is a peculiarly hard one. John Dinzy having no bill of sale of the Slave, and not having paid for her, she is yet manumitted as his actual property. In the case of Newbold *versus* Executors of Blackwood, and in the Terceria of Joseph Wilson, Son, and Company, in the Complaint Court, it was, after a special argument, declared, that in the sale or transfer of a Slave, a bill of sale was absolutely necessary, and that the sale of a Slave otherwise than by an Act or bill of sale was not legal.

The Protector of Slaves has stated, that for the purpose of freedom it is immaterial to him who is the owner, whether the Slave is mortgaged or not, registered or otherwise, so long as any person comes to him and says, I am the owner of that Slave, and I want to manumit him voluntarily, that in such a case the Protector of Slaves merely draws the manumission, and the Slave is free. Does not such a proceeding, having reference to the case in question, militate against the declaration of His Majesty's Government, and involve consequences as insecure to the Slave as to the owner, whose property is thus in jeopardy ? For the Protector of Slaves has admitted, that he would free any Slave at the mere request of an individual, who would be, as Charles Alexander has been, deprived of his property, which Charles Alexander had never sold or transferred to Dinzy. But supposing that Slave to have been mortgaged to a third person, the mortgagee would have lost his property in the Slave ; for I will contend, that a Slave once freed, can leave the Colony as any other free person, and the owner and mortgagee have no remedy, except as against the person who has illegally caused the manumission of the Slave.

The Protector admits it to be the evident intention of the Order to secure to the Slave a valid and effectual manumission, and that the Slave has a twofold warranty,—that of the master, who is bound to restore his price in case his freedom is not valid ; and, secondly, that of the Protector, who, at his own peril, permits the execution of an invalid manumission ; but I submit that it is not to be left to the chance of solvency of the owner, or to the peril of the Protector of Slaves in permitting the execution of an invalid instrument. The instrument to be executed must be a legal and sure manumission, not at the peril of any public officer, who may die and leave no property behind after the illegal act has been committed ; and in respect of his master returning the money, he may have become insolvent ; in such a case the Slave would lose his money as well as his freedom, and be returned into Slavery. But suppose the Slave to have gone from the Island, where then is the remedy for the injury caused by the public officer acting upon his peril ? But when His Majesty's Government has expressed in such clear terms as not to be misunderstood what its intentions were, viz.—in cases of freedom, the Protector of Slaves shall be bound to ascertain that such owner has good right and title in the Law, and is competent to make such manumission ; will it be pretended after this, that the owner of a Slave has a right to manumit a Slave that is mortgaged ? or that it could be ever contemplated by His Majesty's Government, that its public officer

was to manumit a Slave who was mortgaged? and being so mortgaged, that any person should appear before the Protector of Slaves, voluntarily to manumit a Slave, without its being ascertained by the Protector of Slaves whether the person so proposing to manumit the Slave "had good right and title in the Law, and was competent to effect such manumission?" I think it may be well answered, that the Government could have no such intention.

The Protector of Slaves not only seems to be of opinion, but has acted upon it, that the 34th clause has nothing to do with, nor is connected with, the 33d clause, but a little attention to that clause will show to the contrary.

The 28th, 29th, 30th, 31st, and 32d, point out the mode to be adopted in all cases where owners are not disposed to manumit, or in cases where there is any legal objection or doubt; and one of the principal disabilities is, where the Slave is under mortgage or otherwise incumbered, and great care is taken in such a case, not only to secure to the mortgagee the value of the Slave, but interest on that value, till he appears judicially to receive the same.

The 33d clause respects private or voluntary manumissions, where there is no objection on the part of the owner. But what is enjoined by the 33rd Clause, surely ought to be observed in respect of all manumissions under the 34th Clause; viz. that the Protector of Slaves, on behalf of the Slave voluntarily manumitted, shall be bound to ascertain that such owner "has good right and title in the law, and is competent to effect such manumission," no owner can have a good right and title in the law to manumit a Slave, or be competent to effect the manumission of the Slave proposed to be manumitted, if mortgaged or entailed; and in such a case is the Protector of Slaves to execute a manumission at his peril? No; he should refuse to draw the manumission unless the consent of the mortgagee, tenant in tail, reversioner, or other person interested in the Slave should join therein. And why should not public notice be given in such a case, as in that of the other manumissions under the 33rd Clause?

In the case of J. Dinzy manumitting his daughter, no consideration passed between him and his daughter, and there are no directions contained in this clause as to the execution of the manumission, except in cases above fifty and under six years; or where the Slave may labour under any habitual disease or infirmity of mind or body. By this voluntary manumission it must have been surely the meaning of the Government that the Slave so voluntarily manumitted should be effectually manumitted; but can it be the intention of the Government or the law to authorise the voluntary manumission of a Slave by the owner, that is mortgaged, without notice to the mortgagee, thereby disposing of property not belonging to the person by whose means the freedom is effected? I think not, and therefore the practising of such a fraud ought to be prevented; and how easy it is to do so, by the Protector of Slaves observing the same precautions in cases under the 34th clause, that are declared to be necessary in those under the 33rd clause. Surely the one is as necessary to be observed as the other, for they are both voluntary manumissions on the part of the owner, as far as the owner is concerned, the only difference being that in one case the Slave is freed without consideration, and the other not. So therefore, in the voluntary manumission of Slaves without any consideration, it appears to my humble judgment to be as necessary, as regards the Slave, in the one as in the other case.

The Protector of Slaves has stated, "if the Slave is not the property of the person granting the manumission, or is mortgaged by him to a third party, the act of manumission can neither confer any right on the Slave, nor injure the true owner or mortgagee; but on the contrary, in respect to these parties, the deed will be null and void, the Slave will continue to be the property of the true owner, or be hypothecated to the mortgagee, as the case might be: in the former case the manumission would be *ipso facto*, null and void; in the latter it would only have the effect of conveying away the reversionary interest which the owner might eventually have in the Slave, but could never injure the right of the mortgagee; nor would the Slave himself suffer any injury, having paid nothing for his manumission; the resumption by his master of his rights over him would deprive him of nothing, and he would only be reduced to his former situation."

Is it not true that John Dinzy disposed of property not legally vested in him, and, in virtue of that disposal, is it not true that the female Slave has left the colony for Grenada, and is now living there as a free person? Can Charles Alexander make her a Slave in Grenada? No. John Dinzy has not a shilling in the world to pay Charles Alexander; is not the latter then deprived of his property without any remedy? But if the Protector of Slaves had called upon John Dinzy to shew his title to the property, and not being able, would he have ventured at his peril to have executed that manumission? For the document produced proved that the property of the Slave was in Charles Alexander until payment, or until John Dinzy had received a bill of sale, which Charles Alexander had not given; or supposing that Slave to have been mortgaged to Charles Alexander instead of being his property, would not the mortgagee have lost all opportunity of remedying the evil after that the Slave had left the jurisdiction? and how or in what manner was the mortgagee to know that the owner was going to manumit? what notice did he receive? In other cases not only is the mortgagee publicly cited to appear, but whether he appears or not, the value of the Slave is lodged in the Colonial Treasury for his benefit, and the circumstances stated by me in my first letter are all as likely to happen as the case of Charles Alexander. But supposing the manumission of persons who have been made free for years liable to be declared null and void; when is it discovered by the mortgagee? Only when he forecloses his mortgage, and brings the property of his debtor to sale. It is then that he finds four or six Slaves so mortgaged have been voluntarily manumitted, who may be no longer in the island; so that it is impossible to declare the manumission null and void: will not the mortgagee in such a case have lost 4 or £600 sterling; and under circumstances beyond his control? For he had no notice of the illegal manumission. And are these persons so illegally manumitted, and having enjoyed the blessings of liberty, and perhaps have had free children, acquired property, or being holders of land as free settlers; are they all to be driven back again into slavery, merely because the owner did a wrong act to which the public officer was a party, having executed the manumission at his peril? Where is the remedy in such a case? Let us now see what is the proportion of manumissions for valuable consideration, and those gratuitously; in the former it is 112, in the latter 60. Is it not better then to avert such evils, and continue to uphold the security given to mortgagees, and persons having reversionary interests in Slaves, by directing, that in all cases of voluntary manumission, the Protector of Slaves should observe the precautions by which he is governed under the 33d Clause; and if it does give him a little additional trouble, is he not remunerated? And in attending to cases of gratuitous manumissions he would only do what is done by him in a case of manumission by purchase, and it is not a very laborious work. For why, it may be asked, in one case should the interest and rights of persons interested in Slaves about to be freed be so cautiously guarded and attended to, and not in the other? But the Protector of Slaves carries his doctrine to such an alarming extent as to call for an immediate remedy, for he says he would execute the manumission of a Slave brought to him by a person who declared an intention gratuitously to manumit without asking one single question, without practising the smallest formality, without ascertaining whether the Slave was registered or mortgaged. Surely under such a view of the Order in Council by him, I submit I am fully borne out in stating that such a principle involves consequences as insecure to the Slaves, as to just and *bond fide* mortgage creditors, and others interested, whose property is thus placed in jeopardy. I believe it is unfortunately a well known fact, that when a mortgage is foreclosed upon an estate and Slaves, nothing remains to the owner; but in all cases the mortgaged property sold is found insufficient to pay the mortgage debt; what reversionary or other interest then would the owner have in five or six Slaves that he had voluntarily manumitted, without its being permitted for the mortgagee to know, even if he was in the island, of such a fraudulent act, for he could only know it when the property was sold and these four or six Slaves were missing; but if the same precautions were adopted in both cases, his mortgage property would have been secure, as it would have been impossible for the needy mortgagee to have manumitted four or six of his Slaves, so long as they were under mortgage.

Between 24th June,  
1824, and 24th June,  
1825.

I have to apologize to your Excellency not only for the length of this letter, but for not having before replied to the answer of the Protector of Slaves.

I have, &c.

(Signed) HENRY FULLER, Attorney General.

*His Excellency Sir R. J. Woodford, Bart, Governor,*  
&c. &c. &c.

(No. 4.)

SIR,

*Port of Spain, 3d April 1826.*

THE observations submitted by His Majesty's Attorney General, in his letter to your Excellency of the 31st of August last, on the subject of gratuitous manumission, have led me to a re-consideration of the question generally.

I cordially agree with His Majesty's Attorney General, that the Order in Council of 10th March 1824, was not in any manner intended to interfere with, or encroach upon, the rights of West India Proprietors; nor do I conceive that the principles which I contended for in my former letter had a tendency to create such interference or encroachment.

Previous to the promulgation of the Order in Council of March 1824 gratuitous manumissions were either executed privately by the owner, or were prepared by professional men. In the former case, it is almost needless to observe, that no question as to the title would be raised:—In the latter, the advocate would proceed, as in all cases of donation of property; that is, not to ascertain *the right or title* of the party, but solely to give effect to the intention of the donor by preparing an instrument in due form.

The Attorney General has stated that the only real obstacle to acceding to his views is the "additional trouble it would give me by considering the 34th Clause is to be governed or connected with the 33d Clause." This statement I beg leave most explicitly to deny—I am, and always have been ready cheerfully to discharge every duty incumbent upon me as Protector of Slaves. The only rules for the guidance of my conduct in that office, are the Order in Council of 10th March 1824, and the subsequent Orders in explanation, and while I continue to obey these, I consider no blame can attach to me. But, so far am I from considering that the 34th Clause is to be governed by the 33d, I have many reasons for adopting a contrary opinion.

In the first place, it is evident his Majesty's Ministers, in framing the Order, contemplated three distinct classes of manumissions.

1st, Those to be sought before the Chief Judge by reason of the owner's incapacity to execute an effectual manumission to the Slave.

2d, Those by private contract.

3d, Those gratuitously.

For the purpose of obtaining the benefit of the first class, the Protector is directed to bring the case under the cognizance of the Chief Judge, whose sanction to the manumission is testified by a certificate, under his hand, "That the proceedings required by Law have been duly had before him."

The second class brings the owner of the Slave and the Protector into more immediate contact with each other. The Protector is then the advocate of the Slave, bound to watch over his interests, to prevent the owner from exacting what he may consider more than the value of the Slave; and if the price be agreed upon, the Protector is then, at his peril, bound "to ascertain that the owner has good right and title in the Law, and is competent to effect such manumission."

The duties under these Clauses are plain and sufficiently defined:—The Judge, on the one hand, is the guarantee to the Slave of his freedom; and on the other, the Slave has always recourse upon his Protector for the amount he may pay for a manumission which may prove ineffectual to him.

The 34th Clause, which treats of the third class of manumissions, also enjoins the performance of certain duties; it is to be observed, however, that the Commandants of quarters, are equally with the Protector called upon to discharge them—and what are these duties? Not to enter into the doubtful question of right, or into the validity of title, but to prevent the master of a Slave from dispossessing himself of a subject (incapable of earning his subsistence), without



entering into bond that the person to be so gratuitously enfranchised shall be properly fed, clothed, and maintained.

These are the Clauses treating of manumissions in this Order, in which I cannot discover the principle contended for by the Attorney General—viz. "That in all cases of voluntary gratuitous manumissions, the Protector of Slaves is bound to inquire into the title of the master to manumit, before he suffers a manumission to be executed."

Had the enactment even appeared to me to be at variance with the old law and practice, or calculated to interfere with, or encroach upon, the rights of West India proprietors, although I should not have considered it in my power to act contrary to what appeared to be the true intent and meaning of the Order, I should certainly have brought the point under your Excellency's consideration.

To an individual perusing casually the Attorney General's remarks on the case of Alexander and Dinzy, it must be apparent, that the only case in which a loss may arise to the latent owner or mortgagee of a Slave manumitted by a person not vested with legal power to manumit, would be, the abstraction of the Slave from the Colony; for so long as the Slave remained within this jurisdiction, the rights of the owner or mortgagee would be effectual (notwithstanding the invalid manumission), provided the owner or mortgagee would exercise it.

In the other point of view, that is, so far as the Slave is concerned, I cannot see that the principle I contend for involves consequences insecure to the Slave. If the person proposing to manumit does not possess the power, any investigation of mine could never have the effect of creating that power.—The Slave could not be placed in a worse situation than before, in consequence of having had in his possession an invalid manumission: nor would the rights of the true owner or mortgagee be in any manner compromised.

I must acknowledge that it appears to me that a mere perusal of the 28th, 29th, 30th, 31st, 32d, and 33d Clauses must carry with them the conviction that the precautions therein enjoined to be observed are solely intended for the purpose of securing a valid manumission to the Slave in consideration of the price paid for it; although these precautions have also the effect of securing the payment of the money to the person having a legal title to it. But in the case of a manumission granted without any valuable consideration no such precautions are necessary for protecting the Slave from imposition by an invalid manumission; accordingly, the 34th Clause is the only one which relates to such manumissions, and the only precautions thereby enjoined to be observed are calculated to prevent the abandonment of a Slave incapable, through infancy, old age, mental or bodily infirmity, from procuring a subsistence. That these were the only precautions contemplated by His Majesty's Ministers is, in my humble opinion, evident, as otherwise why should the Commandants of Quarters be invested with powers to complete manumissions without valuable consideration, while they are not vested with any power to effect those for valuable consideration, unless a difference in the necessary formalities was contemplated. The reasons for such an enactment are clear. In the case of manumissions for valuable consideration, a Law Officer alone could protect the Slave from imposition; and a Law Officer, the Protector of Slaves, alone can, by the Order in Council, effect such manumission. In the other case the intervention of a Law Officer is not requisite for the protection of the interests of the Slave, and by the 34th clause these manumissions can be executed before the Commandants of Quarters, who are capably of carrying the intentions of the Government on this subject into effect, as fully as the Protector of Slaves. This peculiarity of the 34th Clause appears to me to be an unanswerable proof of the intention of His Majesty's Ministers. Of this argument in my former letter the Attorney General has not condescended to take any notice.

There are circumstances connected with the case of Dinzy to which I shall now consider it my duty to advert.

Alexander sold the girl to her father, John Dinzy, a needy man, a resident of Grenada, but then at Trinidad. The price was agreed, and upon Dinzy giving his obligation to Alexander, payable at a distant date, the girl was delivered to her father. The consequences that ensued were natural; and had the feeling of paternal love ever warmed the heart of Alexander, he must have



known that the silent voice of nature would have instigated Dinzy to liberate his child from slavery the moment he had an opportunity. Dinzy has procured a manumission for his child, but whether that manumission is or is not valid, is the question now at issue between the Attorney General and myself.

If Alexander is advised that the manumission is a nullity, why did he not exercise his alleged rights of ownership over the girl when she was within this jurisdiction? Why has he not apprehended her in Grenada as a fugitive Slave, falsely alleging herself to be free under a manumission obtained fraudulently by Dinzy from the Protector of Slaves of Trinidad? Why, in fact, does not Charles Alexander exercise his authority over his alleged Slave, in lieu of wasting his time and his substance in making complaints to your Excellency, which cannot be redressed while the Law exists as at present?

I shall conclude by endeavouring to impress upon your Excellency that it is my wish to discharge my duties conscientiously, and without injury to any party, but bound, as I am, to govern myself by what appears to me to be the true intent and meaning of the Order in Council, I cannot, until I receive further instructions, adopt the line of conduct suggested by the Attorney General.

I have, &c.

(Signed)

HENRY GLOSTER,

Guardian of Slaves.

*His Excellency Sir Ralph J. Woodford, Bart. Governor,*  
 &c. &c. &c.

### No. 7.

SIR,

*Downing Street, 15th August 1826.*

I HAVE received your despatch of the 25th February last, and my Under Secretary, Mr. Wilmot Horton, has laid before me your letter to him of the 27th of April 1826, with its enclosures.

I have attentively considered the arguments of the Attorney General, and of the Protector and Guardian of Slaves, upon the question to which the case of the female Slave, named Judy Dinzey, gave occasion. With reference to the particular case of that individual, it is not necessary for me to issue any instructions. If, as it is asserted, the person by whom she was manumitted had no power to effect her manumission, she of course remains in a state of slavery. Her claim to freedom, like that of every other person, will, if necessary, be decided by the ordinary tribunals of the Colony.

The general question, however, is of considerable importance, and is by no means exempt from difficulty. On the one hand, if it were always to be required, as the condition of a voluntary manumission, that the party effecting it should first establish a legal title to the Slave, I am afraid that such a rule might operate as a very serious impediment to the exercise of private benevolence. The title to any one plantation Slave is generally the same with the title to the rest, and usually involves the title to the land and buildings on which the Slaves are employed. Now, many persons may have a good title, so far as actual possession, and natural equity and justice, are concerned, who have at the same time very sufficient reasons for declining a critical investigation of it, according to the strict rules of law. It is further to be observed, that if this condition were imposed upon every gratuitous manumission, the party effecting it must in every case be required to repair to the town of Port of Spain, since the decision of questions of law, so difficult and important, could not safely be committed, except to persons habitually conversant with the principles and practice of the Supreme Courts. Neither can I omit to remark, that it would be scarcely consistent with justice, if the law, which (when the right of the Master is in question) is satisfied with the presumption arising out of actual possession, were altogether to reject that presumption, when the question regarded the Master's right of manumission.

On the other hand, it is not to be denied that the emancipation of a Slave before the Protector, without any investigation of title, might give occasion to very serious embarrassments. It is unnecessary to controvert the opinion of the Protector, that such emancipations, unless they be effected by the real proprietor, will avail nothing in point of law. It is enough to say that they would

probably have a very serious and injurious effect in point of fact. It is impossible but that a deed of manumission, passed before the proper officer, and solemnly authenticated by him, should carry with it very considerable authority. In the Island of Trinidad itself, and much more in neighbouring Colonies to which the manumitted Slave might repair, such an instrument would unavoidably raise a very high presumption in favour of the validity of the act of manumission, and would proportionably impede, if it did not wholly defeat, the efforts of the real owner to re-claim his property. Yet it is plain that the deed of manumission would be entitled to no such authority, and ought to produce no such effects, if the Protector were to perform only the ministerial office of ascertaining the health and age of the Slave, and were altogether to decline the investigation of the title of the asserted owner.

Under these circumstances, His Majesty's Government have deemed it right, that the duty of the Protector and Guardian of Slaves, in case of voluntary manumissions, should henceforward be understood to be as follows :

Whenever a Slave shall be brought before the Protector and Guardian of Slaves, or before the Commandant of the quarter, to be manumitted voluntarily, the Protector and Guardian, or Commandant, as the case may be, shall, in addition to the duties expressly imposed on him, by the Order in Council of the 10th of March 1824, apply to the Registrar of Slaves, and to the Registrar of Deeds and Mortgages for Certificates to the following effect : To the Registrar of Slaves he is to apply for a certificate of the name of the person by whom the Slave in question was last registered as his property. To the Registrar of Deeds and Mortgages he is to apply for a certificate of the fact, whether by the Records in this office it appears that there is any mortgage or other incumbrance in existence, to which the Slave in question is subject. The Protector and Guardian, or the Commandant, as the case may be, will refuse to allow the voluntary manumission, in every case where it shall appear that the party proposing to effect it is not the registered owner, or where it shall appear that there is any mortgagee or other person having a charge upon the Slave, who is not consenting by himself, or by his authorized agent, to the manumission.

If it should appear in any case by the certificate of the Registrar of Deeds and Mortgages, that the person desiring to effect a voluntary manumission, has only a temporary interest in the Slave, and that there are other persons holding a future or reversionary interest, the voluntary manumission must not be effected without the consent of the persons holding such future interests : For were this permitted, the Slave being in the immediate enjoyment of liberty, would either quit the Colony or acquire habits of life which would disqualify him from returning to a state of slavery, at the expiration of the temporary interest of his immediate owner. Nor will the Slave sustain any real prejudice by such a regulation. If he possesses the means of purchasing the reversionary right to his own services, the Order in Council enables him to effect a compulsory manumission, as against the reversioner. If he has not those means, he will probably be able by honest industry to acquire them during the continuance of the temporary interest of the immediate owner. For the same benevolence which induces the immediate owner to seek the present manumission of his Slave, will, if it be genuine and sincere, induce him to give the Slave the present command of his own time ; even though the manumission itself be not accomplished.

You will therefore issue to the Protector and Guardian of Slaves instructions for his guidance, founded upon the principles explained in this despatch, and in conformity with them. He will be distinctly apprized that while on the one hand he is to apply for the certificates I have mentioned, he is on the other hand to investigate the question of title no further than as those certificates may explain it. Of course it was not the intention of His Majesty's Government, nor is it, I conceive, the right construction of the Order in Council, that an act of manumission by a pretended owner, should defeat or prejudice the right of the real proprietor. With the precautions which I have pointed out, I trust that it will be found possible to avoid both the danger of indirectly injuring the real owner, and the risk of checking the exercise of private benevolence.

The certificates from the offices of the Registrar of Slaves, and of the Registrar of Deeds and Mortgages, must be given gratuitously.

You will promulgate in the usual manner, for the information of the public,

the instructions you may give on this subject to the Protector and Guardian of Slaves, and you will immediately communicate a transcript of them to me.

I have, &c.

(Signed)

BATHURST.

Governor Sir Ralph Woodford, Bart.

&c. &c. &c.

No. 8.

MY LORD,

Trinidad, 12th April 1826.

YOUR Lordship is already aware, that the Order in Council of the 10th March 1824 provides for the admission of Slave testimony in all Courts of Justice, by virtue of a certificate, to be granted in the manner prescribed by the 36th Clause, whereby the party to be adduced as evidence is declared to be sufficiently instructed in the nature and obligation of an oath.

And it will be within your Lordship's recollection, that as by the Order in Council of the 16th September 1822, for the establishment of new Courts of Justice, it was declared to be competent to the Criminal Court to admit as witnesses persons not free, but otherwise competent under the law of England, it became one of the questions, proposed by the Committee that was formed in the Colony by the opponents of the Order in Council, whether the tenor of the 36th Clause, of the Order of 10th March 1824, was to be considered as abrogating the provision of the Order of the 16th September 1822, although that provision was renewed at the conclusion of the said 36th Clause; and, upon reference, your Lordship was pleased to declare that it was not to be so considered. Nevertheless, such an explanation has from time to time been given to it in the Criminal Court, though only one certificate has been exhibited since the Order has been in force; Slaves have sometimes been received, at other times rejected; and on a late occasion, however, of a very serious charge brought against a free black, an extremely bad subject, the rejection was the more to be regretted, as the Attorney General was thereupon obliged to relinquish the prosecution.

When this came to my knowledge, and I was informed by the Attorney General that other trials of importance were depending, in which he expected that the evidence of Slaves would be mainly instrumental in bringing the offenders to justice, I directed that officer to prepare a Report, which should embrace the draft of an Order that would determine the question, until I could report the same to your Lordship for His Majesty's information; and having communicated the same to the Chief Judge, who had always considered the point as left in the discretion of the Court, a Proclamation was issued, in conformity with his Honour's suggestions, in the terms which I have now most humbly to submit for the King's approval; and, in so doing, I have considered that it were better to remove the discretion from the Court, than to permit the continuance of a system which would always lead to argument and uncertainty, in every case brought before them.

I have also felt, that unless it had been in contemplation to exclude Slave evidence, it could never have been intended to require, as a *sine quâ non*, a qualification, for which the means of attaining it are totally inadequate, and which the Catholic clergymen will not easily grant. I have confined the admission of this description of evidence to the Criminal Courts, which is at once in unison with the limitation of the provisions of the Order of September 1822, and, as I trust, with your Lordship's intentions.

I cannot, however, but confirm and reiterate to your Lordship the expressions of the Chief Judge in support of the early adoption of measures for the instruction of the Slave population, which, unless provided by His Majesty's Government, together with all things thereto appertaining, will, I fear, remain disregarded, as much from want of fit persons and proper establishments in the Colony, as from the inability of the proprietors of Slaves to procure them.

I enclose the correspondence that took place on this occasion,

And I have, &c.

(Signed)

RALPH WOODFORD.

The Right Hon. the Earl Bathurst, K.G.

&c. &c. &c.

SIR,

*Port of Spain 3d March 1826.*

I DEEM it my duty to inform your Excellency, that on the 21st instant came on to be tried, before the Court for the Trial of Criminal Prosecutions, the case of a free black man, named Andre Bordenave, charged with having committed a rape in a cane piece, on a Slave girl of a very tender age.

The fact of the carnal knowledge was admitted by the accused, but he declared it to have been with the consent of the girl.

The evidence, however, of this girl before the Court of Criminal Inquiry, and her immediate complaint of the injury done to her, together with other circumstances connected with the case, leave no room to doubt but that the offence was committed in a violent and forcible manner.

At the trial, the first and the only witness to a crime which is generally committed in secret, was the girl herself, who, being a Slave, was objected to by the advocate of the accused; and after a solemn argument thereon, she was rejected by the Court as an incompetent witness, under the 35th and 36th clauses of the Order in Council of the 10th March 1824, she not having the certificate as mentioned in those clauses.

I contended that, under the annexed extracts from the Orders in Council, and the accused being himself a free *black* man, that the girl was a good witness, and ought to be examined, the accused not coming within any of the provisos of the 36th clause; and further, that the power granted to the Court by the Order in Council of the 16th September 1822, was expressly reiterated and delegated to it by the 36th clause of the Order in Council of the 10th March 1824, and that the framers of this Order had seen the difficulty attending the rejection of Slave testimony, without the certificate mentioned in the 35th clause, and had therefore given to the court the same power of admitting Slaves, as it had under the previous Order, except in those cases in which Slave testimony is expressly prohibited by the 36th clause.

A case of murder by one Slave upon another is to be heard on Monday, in which all the witnesses to the fact are Slaves, and the suit will be dismissed on the same ground as that against Andre Bordenave. In most cases the witnesses are, as they always must be, Slaves; and were they to be totally excluded unless they had the certificate alluded to, although they understood the nature and obligation of an oath, I am apprehensive that crimes would increase, and that offenders would escape punishment altogether.

I also submit the impossibility of a compliance with the 35th clause, within any limited time; it must be the work of years, and dependant principally upon ministers and teachers, which we have not beyond what are only and absolutely necessary for the towns of the island, and even then insufficient.

The obtaining of these certificates must therefore be a work of time and instruction.

Under these circumstances I have the honour to submit, for the consideration of your Excellency, the draft of a Proclamation in the name of the King, by which, if you approve thereof, the doubts entertained by the Courts as to the admission of Slave testimony will be removed, justice will thereby be more certainly administered, and offenders will not escape with impunity.

I have, &c.

(Signed) HENRY FULLER, Attorney General.

*Extract from the 36th Clause of the Order in Council of the 10th March 1824.*

PROVIDED always, that nothing herein contained shall extend to take away or diminish any power and authority which any Court of Criminal Jurisdiction in the said Colony now hath, to admit in any case the evidence of persons being in a state of slavery.

Viz. under the Order in Council 16th Sept. 1822.

*Extract from the 14th Clause of the Order in Council of the 16th September 1822.*

PROVIDED also, that in *all Criminal Cases* it shall be in the discretion of the Court in which any charge is depending, to admit as witnesses persons not free, who in other respects would be competent, according to the Law of England, to give evidence in such cases.

## TRINIDAD.

By the King.—A Proclamation.

WHEREAS doubts have arisen as to the authority of the Courts of this Island to receive the testimony of persons being in a state of slavery, unless they hold the certificate mentioned in the 35th clause of the Royal Order in Council of the 10th day of March, 1824; with reference therefore to the latter part of the 14th clause of the Order in Council of the 16th day of September, 1822, and the latter part of the 36th clause of the Order in Council of the 10th day of March, 1824, and in order to remove all such doubts, we do hereby declare, that in all and every case (excepting those in which the evidence of Slaves is expressly prohibited to be received, as declared in the said 36th clause of the said Order in Council), all Courts in the said Island are authorized and commanded to admit in any case, civil or criminal, the evidence of persons being in a state of slavery: Provided always, nevertheless, that every such person so tendered as a witness shall have been baptized, and shall upon oath declare, to the satisfaction of the Court, as to his or her belief and understanding of the nature and obligation of an oath, according to the Law of England in such cases; and, provided always, that the credibility of any such witness be matter for the consideration and determination of the Court.

SIR,

*Government House, 3d March 1826.*

I LOSE no time in transmitting to you the enclosed Report from the Attorney General, upon a construction that has been given by the Court of Criminal Trial, to the 35th and 36th clauses of the Order in Council of the 10th March 1824, touching the admission of Slave evidence in offences brought before that Court, and the rejection of which, it is apprehended, will tend to facilitate the escape of criminals.

I cannot but advert to the provision made by the Order in support of the provisions of the 14th clause of the Order of the 16th September 1822, establishing the Court, and to the explanation given by His Majesty's Secretary of State of the 11th September 1824, of which you have been informed. All these concur in admitting, in certain cases and under certain provisions, as evidence, persons in a state of slavery. Of this explanation I transmit a copy.

I therefore am desirous of receiving your Honour's Report of the matter, and if you should concur in opinion with the Attorney General, that you would be pleased to signify your approbation of the draft of the Proclamation that has been prepared by that officer, or so amend it as may be deemed by you to be expedient.

I have, &c.

(Signed)

RALPH WOODFORD.

*The Hon. Ashton Warner, H. M. Chief Judge.*

SIR,

*Belmont, 4th March 1826.*

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 3d instant, transmitting the Attorney General's Report upon the construction that has been given by the Court of Criminal Trial, to the 35th and 36th clauses of the Order in Council of the 10th March 1824, respecting the admission of Slave evidence in offences brought before the Court; and expressing your desire of receiving my Report in this matter; and, if I should concur

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in opinion with the Attorney General, requiring me to signify my approbation of the draft of the Proclamation that has been prepared by that officer, or so amend it, as I might think expedient.

It has always appeared to me that in the commencement of the 36th clause, of the Order of the 10th of March 1824, the general principle of law is recognized that Slaves are incompetent witnesses, and that the primary and chief object of that clause was to remove any such objection to their competency, so soon as they should have been found sufficiently instructed to understand the nature and obligation of an oath, of which proof should be afforded by the production of the certificate, for which provision is made in the 35th clause, excepting however in cases of civil actions, in which the owner may be directly concerned, or in any case in which a white person may be charged with any offence punishable with death, in which latter cases, Slaves are still incompetent witnesses, even though the certificate be produced; Then follow two provisoes, the first declaring that nothing therein declared should extend to take away or diminish the authority of any Court, to admit in any case the evidence of persons being in a state of slavery; the second, that no Slave shall be a competent witness, in any case in which such Slave would be incompetent if of free condition.

It is unnecessary for me to refer your Excellency to the preamble of this order, as expressive of His Majesty's intentions in its promulgation, or to remind your Excellency that no person of whatever condition can be received as a competent witness, who is not capable of understanding and appreciating the obligation by which he binds himself to speak the truth; and as the 35th clause of the Order of the 10th March 1824, provides the surest means of ascertaining the competency of Slaves in this respect, in the estimation of those whom the law considers best qualified to judge, it has been my opinion that admitting the Court to have the fullest discretion to receive the testimony of Slaves, or to reject it, such discretion is best exercised by requiring the certificate, and rejecting the evidence unless it be produced. By this course, it seems to me, that we best give effect to the intentions of His Majesty's Government in the promulgation of the Order, and enforce the observance of a clause, which will otherwise, I fear, for ever remain a dead letter. I am not aware in what manner the Court can with justice or consistency, exercise the discretion given to it, than, either by receiving the evidence in all cases, leaving the Court solely to judge of its credibility; or rejecting it in all cases without the certificate.

If you should be of opinion with the Attorney General, that the latter course should be pursued, I think the question of competency should no longer be left discretionary with the Court; with this view I beg to submit to your Excellency the draft which I have prepared; that of the Attorney General not appearing to me sufficiently full and explanatory. In the event of your Excellency's adopting this Order, however, I beg to suggest the propriety of a recommendation to His Majesty's Ministers that measures should be taken, with as little delay as possible, to qualify the Slaves under the provisions of the 35th clause of the Order, and to prohibit the Court from receiving, after a period to be limited, the testimony of Slaves in any case without the certificate. I think, moreover, that the invidious distinction in favour of white persons, when charged with any offence punishable with death should be done away with.

I beg to return the Attorney General's Report, in compliance with your desire,

And have, &c.

(Signed)

ASHTON WARNER.

See Proclamation.

*His Excellency the Governor,*

*&c. &c. &c.*

## TRINIDAD.

By his Excellency Sir Ralph James Woodford, Bart. Governor and Commander-in-Chief in and over the said Island and its dependencies, Vice-Admiral of the same, &c. &c.

## A Proclamation.

WHEREAS by the 14th clause of the Order of His Majesty in Council, bearing date the 16th September 1822, providing for the more speedy administration of justice in criminal offences committed in this Island, it was amongst other things provided, that in all criminal cases it should be in the discretion of the Court in which any charge was depending, to admit as witnesses persons not free, who in other respects, would be competent according to the law of England to give evidence in such cases. And whereas, by the 35th clause of the Order of His Majesty in Council, bearing date the 10th March 1824, providing for the religious instruction of the Slaves in this Island, and for the improvement of their condition, it was ordered, that every Clergyman of the Established Church of England, and every Minister of the Church of Scotland, and every Priest or Minister professing the Roman Catholic Religion in the said Island, and every other person being a public teacher of religion within the said Island, should, and was thereby authorised to transmit or deliver under his hand to the Commandant of the quarter in which he might be resident, certificates setting forth the names or name, and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the party so certifying, might be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath, and that the Commandants of the several quarters in the said Island should, and they were thereby required to transmit such certificates to the Protector and Guardian Slaves, who should, and was thereby required to register the same in a book to be kept by him for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same might have been granted, and of every Slave mentioned and included therein, subject however to a proviso, whereby it was declared, that no Priest, Minister, or public teacher of Religion, not being a Clergyman of the Church of England, or a Minister of the Kirk of Scotland should be competent to grant any such certificate, unless His Majesty's Principal Secretary of State for the Department of the Colonies, or the Governor or Acting Governor for the time being of, this Island of Trinidad should have granted to such priest, minister, or public teacher, a licence in writing to grant such certificates, and unless such licence should be in force, and have been first registered at the office of the said Protector of Slaves. And by the 36th clause of the same Order, it was further ordered, that no person should thenceforth be rejected as a witness, or considered as incompetent to give evidence in any Court of Civil or Criminal Justice in the said Island, by reason of his or her being in a state of slavery, if the person or persons producing or tendering him or her as a witness should produce or exhibit to the Court a certificate under the hand of the said Protector and Guardian of Slaves, that such proposed witness is registered in the before-mentioned book. And the said Protector of Slaves was thereby required to grant without fee or reward to any person making application for the same, a certificate of the fact, whether any such proposed witness was or was not registered in the said book; subject nevertheless to a proviso, whereby it was declared, that no person being in a state of slavery should be admitted to give evidence in any civil suit or action in which his or her owner was directly concerned, or in any case where any white person might be charged with, or prosecuted for any offence, punishable with death; and to a proviso, whereby it was declared, that nothing therein contained should extend to take away or diminish any power or authority which any Court of Criminal Jurisdiction in the said Colony, then had to admit in any case the evidence of persons being a state of slavery. And to a further proviso, whereby it was declared, that nothing therein contained should extend or be construed to extend to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence if he or she were of free condition.

And whereas doubts have arisen whether under the said recited clauses of the said Order of His Majesty in Council of the 10th March 1824, the discretion

given to the Court by the said in part recited clause of the said Order of the 16th September 1822, to admit as witnesses in all Criminal Cases persons not free, who in other respects would be competent according to the law of England, has not in fact been limited, and very considerably diminished by the said Order of the 10th March 1824. And whereas it appears to be necessary, not only, that such doubts should be entirely removed, but that the admissibility of the testimony of Slaves as competent witnesses should be ascertained and determined: Be it therefore, and it is hereby ordered, that no person shall henceforth be rejected as a witness, or be considered as incompetent to give evidence in any Court of Criminal Justice in the said Island, by reason of him or her being in a state of slavery, if such person would in other respects be a competent witness, if of free condition according to the Law of England; and that the production of a certificate under the provisions of the 35th and 36th clauses of the said Order in Council of the 10th March 1824, shall in no case whatsoever be necessary to render such person a competent witness.

Provided always, that no Slave shall be admitted to give evidence in any case whatsoever, either with or without such certificate in any Civil Suit or Action in which his or her owner is directly concerned, or in any case wherein any white person may be charged with or prosecuted for any offence punishable with death, any thing contained in this Order, or the said Order of the 22d September 1822, and the 10th March 1824, in any respect notwithstanding.

And it is hereby further ordered, that if any Slave who shall be received and duly sworn as a witness in any of the Courts of the said Island, shall be convicted of giving false testimony, such Slave shall be subject to all the pains and penalties provided by the law for the prevention and punishment of perjury.

Given under my hand, and the great seal of the Island, at Government House, in the town of Port of Spain, this 6th day of March, and in the year of our Lord one thousand eight hundred and twenty-six.

(L. S.)

(Signed) RALPH JAMES WOODFORD.

By his Excellency's Command,

(Signed) FREDERICK HAMMETT,  
Acting Secretary.

## No. 9.

SIR,

*Downing Street, 22d June 1826.*

I HAVE received your despatch of the 12th April last, enclosing a Proclamation issued by yourself with the advice of your Council, for explaining the Orders of the King in Council, of 16th September 1822, and of the 10th March 1824, respecting the admissibility of the evidence of Slaves.

I observe, that the Chief Justice of Trinidad is of opinion, that admitting the Court of Criminal Trial to have the fullest discretion to admit the evidence of Slaves or to reject it, such discretion is best exercised by requiring the Certificate mentioned in the Order of the 10th March 1824, and rejecting the evidence unless it be produced, and I perceive that the Court has acted upon this opinion.

Without wishing to derogate from the respect due to every judicial decision of the Chief Justice, I cannot avoid expressing my surprize and regret, that he should have adopted such a construction of the Orders in Council. The undoubted meaning, and as I should have conceived the only reasonable interpretation of those Orders, was, that Slaves producing the certificate would be admissible witnesses in all cases, and that Slaves not producing the certificate would be admitted or rejected according to a sound discretion to be exercised by the Court on a careful consideration of each particular case. But the Chief Justice entirely disclaims the exercise of any such discretion, and thus, as it would seem, virtually annuls this part of the Order of the King in Council of September 1822.

However inconvenient the consequences of this decision may have been, I cannot approve the course you have adopted to remove them. The Proclamation which you have transmitted is directly at variance with the terms of the



Royal Order, and the King cannot recognize any authority in the Governor and Council of Trinidad, to revoke or alter an Order made by His Majesty with the advice of his Privy Council.

When the Order in Council of March 1824 was promulgated, some Proclamations explanatory of its meaning were issued by you under my immediate direction, and in consideration of the novelty and urgency of the occasion, His Majesty was pleased to sanction that mode of proceeding, however, apparently inconsistent with general constitutional principles. But it was always the intention of His Majesty's Government, that this concession should not be drawn into a precedent, but that your Proclamations should be embodied in a new Order in Council, which would terminate every question respecting their legal validity and effect. You are apprized of the reasons which have hitherto prevented the execution of this purpose, but I hope to be able shortly to transmit to you an Order of the King in Council, embodying all the provisions of the Order of the 10th of March 1824, with the amendments and explanations it has since received, and in the new Order provision will be made for setting at rest the question now raised by the Chief Justice of the Colony.

I have, &c.  
(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.  
&c. &c. &c.

### No. 10.

MY LORD,

Trinidad, 27th August 1826.

I HAVE had the honour of receiving your Lordship's dispatch of the 22d June, by which I regret to find that the Proclamation issued by me on the admission of Slave Evidence in Criminal Prosecutions has not received your Lordship's approbation, from its appearing to your Lordship to be at variance with the terms of the Royal Order, which could only be altered or revoked by the like authority.

Had this Proclamation appeared to me in a similar light, I beg leave to assure your Lordship, that I should certainly have abstained from the assumption of a power which I am well aware would be irregular as well as indecorous, and which I have carefully avoided, as your Lordship will have observed from the various Orders in Council from time to time proposed by me, some of which are still under your Lordship's consideration.

I trust therefore that I shall stand acquitted of any intention of presuming to make enactments in Law, contrary to the tenor of the declared pleasure of His Majesty.

I will beg of your Lordship permission to observe, that the purport of the Proclamation in question was, in my view, nothing more than the application of the provisions of the Royal Order of the 22d September 1822, to the Royal Order of the 10th March 1824.

The proviso in this last Order for saving and continuing the authority of the 14th Clause of the Order of September 1822, being only recited in terms more positive and directory, so as to bring the application of the Law within the view which your Lordship's despatch before and now again explains, and therefore intended to support, certainly not to oppose, any of the provisions of either of the Orders of His Majesty; but having previously received your Lordship's interpretation of the Clause, I considered that a public declaration of it, for the purpose of setting at rest the irregularities of the practice, would only have been in accordance with the previous measures adopted on this occasion, and was in itself justified by the urgency of the case, as the Attorney General represented.

Had I not been aware of your Lordship's reading of this Clause, I should of course have first referred the matter for your Lordship's instructions.

I have, &c.  
(Signed) RALPH WOODFORD.

The Right Hon. the Earl Bathurst, K.G.  
&c. &c. &c.

## No. 11.

MY LORD,

*Trinidad, 26th April 1826.*

SINCE the formation of a Savings Bank for Slaves, numerous applications have been received from free persons to be admitted to the benefit thereof, and as such an establishment may be reasonably expected to be productive of good effects among a class of persons who at present are confessedly extremely improvident, I have submitted to the Council, that a general Savings Bank should be established, the deposits being placed in the Colonial Treasury, and the depositors allowed the legal interest of 6 per cent. ; and the Council recommend that your Lordship would be pleased to obtain the sanction of His Majesty in Council to such an establishment, pledging the revenue of the Colony for the amount deposited, and charging it with the interest, and authorising such rules as your Lordship may think fit to recommend, or that the Governor in Council may hereafter proclaim and transmit for His Majesty's approval or disallowance.

I have, &amp;c.

(Signed) RALPH WOODFORD.

*The Right Hon. the Earl Bathurst, K. G.*  
 &c. &c. &c.

## No. 12.

SIR,

*Downing Street, 18th July 1826.*

I HAVE received your despatch of the 26th April last, and I approve of the formation of a general Savings Bank, *on the understanding that it will be in every respect common to free persons and Slaves.*

You will, therefore, with the consent of your Council, pass an ordinance for this purpose, directing that the deposits be placed in the Colonial Treasury, which shall be pledged for the amount, the legal interest of 6 per cent. being allowed to the depositors. With regard to the regulations which should be adopted for the management of a common Savings Bank, I am unable, under the difference of circumstances in a West Indian community, to do more than recommend generally to your attention the Acts which have been successively passed by the British Legislature, for the purpose of effecting the improvements which experience suggested in the management of Savings Banks. Copies of these Acts have been already transmitted for your information.

I have, &amp;c.

(Signed) BATHURST.

*Governor Sir Ralph Woodford, Bart.*  
 &c. &c. &c.

## No. 13.

*Extract from a Letter from Sir Ralph Woodford, Bart. Governor of Trinidad, to R. W. Horton, Esq. dated 27th April 1826.*

YOUR letter of the 20th March, desiring me to furnish you, by return of post, with a report of any practical difficulties in the execution of the Order in Council of 10th March 1824, for Lord Bathurst's information, I will endeavour to comply with, as well as my means and the shortness of time permit. I will first go over the Order.

The 5 first clauses do not require observation ; but I think the Protector should not be allowed to act in his profession, if a barrister.

Clause 6.—Protector should be declared a magistrate only in all the quarters.

8.—Protector cannot attend *all* trials in which offences against the person of a Slave are tried, or Slave property may be questioned : it should be limited to

such actions as are cognizable in the principal courts held in the Island, and be discretionary in the Protector to attend.

10.—Eight o'clock on Saturday night, and four o'clock on Monday morning, would be better hours than those of sun-set and sun-rise, and which trench unnecessarily on the master's wants.

The restriction on Slaves working on Sundays for hire were better removed, as it is easily and generally evaded. Though it has not been common, for some years past, to see Slave mechanics working in town on Sundays as formerly; and until there be instruction for them, they are best at work.

11.—Requires revision, being confused: proposed on 7th May 1824, in dispatch (separate) No. 545.

12.—I think the Demerara alteration, of the night instead of the 24 hours as the time to elapse previous to punishment, an improvement.

15.—Returns of punishments should not be oftener than twice a year; perhaps once would be sufficient after a probationary period. They are much reduced here, and I think a December return would be enough.

19.—Commandant to swear before his neighbour, and report those that omit to appear before him. To sick persons more time should be allowed.

21.—Has been generally objected to in a legal point of view. On this clause, see enclosure to Dispatch No. 580.

22.—The Slave desirous of marrying should apply to the master, and, in case of his refusal, to the Magistrate, who could do the needful. But the propriety of these marriages is very doubtful, and I think they should be recommended by the clergy when the parties are fit. The people are decidedly averse to them.

25, 26.—Slaves might be permitted to commute a corporal punishment for a money payment, if they were possessed of an investment in the Savings Bank; and Magistrates might be authorised to make order for such payment, with notice to the Protector. Interest might be 6 per cent.

27.—Restricts the weekly deposits, but without compelling Slaves to account for any large sum of money carried to the Protector for manumission.

29, 30.—Alterations suggested in October 1824, transmitted in despatch, No. 580, still required.

31.—The money might be paid at once before the Judge.

33.—A great doubt arises upon the obligation of the Protector to inquire into the validity of private manumissions, which should be determined.

34.—This is evaded, as regards infants, by having them registered as free in the Church Register when baptized.

35.—The validity of this clause must depend on the extent of the establishment afforded for this object.

36.—See proclamation of the 6th of March last.

41, 42.—The fines in these clauses are much too heavy, and the punishments for a second offence are unreasonably menacing.

Now as to practical difficulties, as far as I know them. The first in order is the prohibition of Sunday's labour. Potting sugar is now become a voluntary act: the people that choose to attend get, what all got formerly, a good lump of the sugar. This indulgence is now not given to them who do not *proffer* their assistance. Working in their grounds is common to all industrious negroes on the Sunday; but the idle avoid it, and by some masters are not forced to it. Hiring themselves out is common to negroes on Sundays: the driver, boiler, or some chief, hire others in their grounds on Sundays, and in the week days they hire *free people*.

It becomes a practical difficulty when the smaller planters are so situated as to be deficient in energy to repress the violence of turbulent women, and are, perhaps, unable to keep the Record Book. *All* complain of the time lost by the use of the stocks, and the postponement of punishments to the men. But some of the planters, that were most averse to the Order, among the foreigners, have acknowledged to me that their apprehensions had not been followed by any results. All, however, admit that it requires great patience to bear with the provoking tongues and noise of the women. The commitments to the gaol of this class are for that particular offence, and I think it certainly creates the greatest difficulty.

In other points I beg to refer to my despatches, particularly those of 545, 580, 662.

See this Correspondence, and Chief Judge's opinion, since received.

I entreat of his Lordship to render the returns as rare as possible; and I hope that, considering the responsibility attaching to the due keeping of the Record Book, a return at Christmas of the entries in the course of the year will be sufficient.

The Protector sends me a Report, which I enclose. I have also received a note from the Chief Judge, Mr. Warner, which I copy, and forward likewise.

Since closing my letter, I have received the accompanying communication from the Attorney General.

*Extract from a Letter from Mr. Warner to Sir Ralph Woodford, dated  
27th April 1826.*

THE question of the foreign Slaves, has occupied so much of my consideration since I received your letter, that I have not time to enter into the consideration of the Slave order: some few difficulties have occurred in practice, which I will take an early opportunity of stating to your Excellency; but I cannot say, that I think the case which has been the subject of communication from the Attorney General and the Protector of Slaves to be one of them. Such a case will probably never occur again, and I think any direction to the Protector of Slaves, in respect of voluntary manumissions, had better be avoided, as tending to throw an impediment in the way of manumission. If the Protector was directed in all cases, to refuse the execution of a deed of manumission, unless the party manumitting produced a good title to the Slave intended to be manumitted, the consequence, I am satisfied would be, that many difficulties would arise, and complaints of refusal occur, and that no reasonable objection can be made to the law as it stands upon this head.

The principal practical difficulties that have occurred, have arisen upon questions of evidence, and some of the formalities in the manumission clauses may, I think, be avoided, and much trouble be thereby saved. I think also, the money intended to be applied in the purchase of manumission, ought, in the first instance, to be deposited in the Savings Bank: this would afford to the proprietor a fair opportunity of objecting to the deposit, in case he should have any valid objection to make.

*Remarks upon the Order of the 25th March 1826.*

14th and 15th Clauses.—UNDER these, a difficulty arises, when a manager or overseer removes from an estate between the periods of the quarterly returns: these persons may be compelled to swear to their returns previous to their removal.

16.—Sometimes ineffectual for the above reason, the successor not being competent to take the oath required.

29.—This Clause enables “ANY SLAVE to purchase the freedom of himself, or of his or her wife or husband, &c.” The words “*any person*,” would more effectually promote the object of this part of the Order.

Under this Clause, Slaves have experienced some delay in obtaining their freedom, when their owners have been willing to receive their value. This delay is occasioned by the insertion of a notice in the Gazette during three successive publications, while a summary proceeding might be had recourse to in many cases: as for instance, where the interests of minors, married women, lunatics, or idiots, are affected, their persons may be represented by their legal guardians. Individuals also, who may demand a price above the presumed value of the Slave, may also be directed to appear, on a short notice, to name an appraiser, and the appraisement may proceed as directed by the thirtieth clause.

(Signed)

HENRY GLOSTER, Guardian of Slaves.

*Extract, &c. &c. &c.*

*Port of Spain, 27th April, 1826:*

THE time allowed me to answer your Excellency's note, is so short, that I can only give a very insufficient answer thereto.

6.—The Protector of Slaves being declared to be a Magistrate, he should exercise the power vested in him to punish any false or unfounded complaint, instead of sending the Slave who has made an unfounded complaint to his owner, who then punishes him for the same, the Slave is then under the impression that he is punished, not for having made an unfounded complaint, but for having made a complaint, whether just or false.

9.—His Majesty hath not made any provision for the religious instruction of the Slaves in Trinidad.

16.—The returns should be permitted to be made half-yearly, from the trouble and difficulty in making them quarterly, and no good results from the same being made quarterly.

21.—Under this clause, the Protector of Slaves instituted a criminal prosecution in the name of the King, and it was dismissed because it was not instituted by the Attorney General, although it is declared that the Protector shall conduct all prosecutions under this clause. It therefore wants explanation.

33 to 34.—The same rules in respect to freedom that are prescribed in the 33d clause, ought to be extended to the cases of freedom mentioned in the 34th clause, for the reasons already submitted by the Attorney General to the Governor.

35.—The objects of this clause never can be effected until His Majesty provides for the religious instruction of the Slaves, although it is so necessary to the well-being of the Slaves; and the end and object of the Government is, that the Slaves should be afforded the benefit of religious instruction, without which it is impossible to suppose that they can ever be improved in their moral condition, proved as it is by there being only four Slaves, out of twenty-three thousand, possessing these certificates; and which, when obtained, should be given to the Slaves themselves, as a proof of their religious and moral character, and not to be deposited in the office of the Protector.

They should be given to the Slaves, and a copy enrolled in the Protector's Office.

36.—The word *white* in this clause to be altered by substituting the word "*free*," there being no difference in the opinion of the Attorney General as to the effect of the evidence to be given between a *white* and a *free* coloured person.

41.—All criminal prosecutions under this Order should be instituted, tried, and determined in the same manner as all other criminal prosecutions in the Island.

By the promulgation of the Proclamation of the 6th March last, a great object has been attained in the better administration of justice.

The Order of the 10th March 1824, with the exception of these remarks, appears to have produced the effects the Government intended.

I have, &c.

(Signed) HENRY FULLER.

No. 14.

MY LORD,

*Trinidad, 27th April 1826.*

ADVERTING to the Rules formerly transmitted for the Savings Bank for Slaves, I have the honour to submit an additional Rule for your Lordship's sanction.

I have, &c.

(Signed)

RALPH WOODFORD.

*The Right Hon. the Earl Bathurst, K.G.*

&c. &c. &c.

*Additional Rule for Savings Banks.*

Addition to Rule the 11th.

WHEN depositors are desirous of withdrawing their deposits, a communication will be immediately made from the Branch to the General Bank, in order that the Treasurer may be prepared to meet the demand.

Whenever repayments are made to depositors by the Country Receivers, attestation to the repayment must be certified by some public officer, such as the Curate, the Treasurer of the Quarter, or some respectable inhabitant of the district.

(Signed) RALPH WOODFORD, Governor.

*Government House, 8th April 1826.*

## No. 15.

SIR,

*Downing Street, 5th July 1826.*

I HAVE to acknowledge the receipt of your despatch of the 27th April last, and I have to convey to you my sanction of the additional rule which accompanied it for regulating the Savings Banks.

I have, &amp;c.

(Signed) BATHURST.

*Governor Sir Ralph Woodford, Bart.*  
 &c. &c. &c.

## No. 16.

*Extract from a Dispatch from Sir R. Woodford, Bart. to R. W. Horton, Esq. dated 3d July 1826.*

*Trinidad, 3d July 1826.*

HAVING lately visited those quarters of the Island in which the principal part of the cultivation is carried on in canes, I apprised the Commandants that I would receive any communication personally from the Planters, on any practical difficulties experienced by them in executing the Order in Council of the 10th March 1824, and that I would visit any of the estates on which the conduct of the gangs might, in the opinion of the proprietors, render a communication from me beneficial.

I have now the satisfaction of acquainting you, for the information of Earl Bathurst, that I found the negroes generally conducting themselves well; the exceptions were among the females, and the complaints, as regards the work of estates, were, on the part of the masters, rare; from the Slaves I received none. I found task work adopted wherever it could be introduced, and though there is sometimes difficulty with an obstinate or a careless labourer, in requiring him to make good a task imperfectly performed, the advantages are in general so great as to be admitted by all as affording great relief to Master as well as Slave, in carrying on the cultivation of the Country.

The difficulties represented to arise out of the Order are three, of which the last is the more general:

1. Delay in attendance at work in the morning.
2. Loss of time between the commission and punishment of an offence.
3. Control of the female Slaves.

To explain the first, I may observe, that it was formerly usual to give the morning signal for work, by the sound of the driver's whip, and though one might suppose the abolition of so odious a custom to have been a welcome improvement, it is certain that the Slaves pay but little attention to the signals now substituted of bells, horns, and shells. Their inattention in this respect becomes extremely irksome, and is stated to be seriously felt on small estates.

Second. The delay fixed by the Law, between the time at which a Slave commits an offence, meriting a punishment beyond three lashes, and the hour at which the Law permits his master so to punish him, is represented as requiring, to prevent his absconding, the confinement of the prisoner in the interim, during which period his labour necessarily becomes lost to the estate.

Third. The women are every where complained of as having become much more refractory and licentious than they were wont to be; two recent instances of extreme violence were reported to me, but the offenders had already been either punished or forgiven.

I did not learn that in any instance the power of the master had been employed to the full extent of the Law towards the females; this want of energy appeared to be attributable to the loss of labour which attends the punishment of this class in serious offences, and in minor cases to an unwillingness to be at the trouble of placing them in confinement.

I have no reason to doubt of the Order in Council being carried into effect throughout the Colony, except as regards Sunday labour in the negro gardens; and, so long as there are but such scanty and widely scattered means of instruction, these infringements may, I submit, be passed over. It does not preclude those that live in the vicinity of a Church from attending the early service, which best suits their habits.

I am, upon the whole, induced to think, that if the minds of the Planters were to be no longer agitated by discussions, each of which creates fresh alarms, that they would gradually become less disposed to attribute to the operation of the Order in Council every inconvenience occurring in the management of their properties.

## No. 17.

*Extract from a Despatch from Sir Ralph Woodford, Bart. to Earl Bathurst, dated 8th July 1826.*

I AVAIL myself of the opportunity to suggest to your Lordship the propriety of investing the Protector with a power of examining the Returns, and of requiring the parties to attend to his instructions; and where a punishment appears illegal, that he should have a power of interference. In the Record Books the ages of the Slaves might, I submit, be advantageously required, and it should be an obligation on all to keep the Record in the shape of columns.

## No. 18.

*Extract of a Letter from Sir Ralph Woodford, addressed to R. W. Horton, Esq. dated Trinidad, 26th February 1827.*

AN opportunity having been afforded me of obtaining accurate information of the comparative disposition of the Spanish Peons to *labour* and *idleness*, and that upon an extensive number and a work upon which they were certain of their pay in *cash*, I enclose a statement of the days worked by this class at the new barracks, for the year 1825, which I trust may be useful.

## TRINIDAD.

A STATEMENT showing the average of days worked during each month of the year 1825 by Free Labourers employed on the works at St. James's.

1825.	Number of free persons employed.	Number of days they worked.	Number of working days in the month, exclusive of Sundays and Festivals.	Average num- ber of days that each man worked.	Remarks.
January .....	133	1,900	26	14	These labourers were the discharged soldiers, all Spanish Peons, and others, who have become free by purchase, or otherwise worked in about the same proportion, but the free tradespeople, who are a better class, were more regular in their attendance.
February .....	144	2,226	23	15	
March .....	140	2,252	27	16	
April .....	161	2,242	25	13	
May .....	164	2,469	26	15	
June .....	158	2,247	25	14	
July .....	163	2,300	26	14	
August .....	147	2,234	27	15	
September .....	119	1,699	26	14	
October .....	100	1,197	26	12	
November .....	77	954	26	12	
December .....	59	707	26	11	
	1,565	22,427		14½	

## No. 19.

*Extract from a Despatch from Sir Ralph Woodford, Bart. to  
R. W. Horton, Esq. dated Trinidad, 26th Feb. 1827.*

SINCE I transmitted a letter from Mr. Peschier, who under my tribunal administers an Estate sequestered for a debt to the Crown, I find, to my satisfaction, that he does not altogether object to task-work, but to the giving out the task by the whole day, which he finds induces over-exertion by the people without due care of themselves in going in to their meals, &c.; he has therefore written to me the enclosed explanation, adding some details of work.

SIR,

*Carapechaima Hall, 9th February 1827.*

I have had the honour of receiving your Excellency's second note relative to the task work, I found, as I stated to your Excellency in December last, that the continued daily task was very prejudicial to the negroes' health. We now have scarcely any sick, and we had, before I changed the mode of a daily task, a great many in hospital. The following is a statement of the manner I now work the gang of this estate, and my own: I divide the day in three, and a certain proportion of work allotted in the proportion of the periods of work, viz. three hours before breakfast, three before dinner, and four after dinner. By this arrangement they have their usual hours for meals, and the interval of rest at noon; without which I found that they would have sunk under the effect of an exertion that was beyond their physical strength. This plan also enables me to have the work apportioned according to the abilities of the people, and by making two gangs, and either personally, or my head overseer, inspecting the work to be performed previous to giving out, we are enabled to give such a task as *I know* can be performed, viz.

Cutlassing Bushland.—A man or strong woman cleans from five to seven thousand superficial feet; merely cutting down the brush.

Cutlassing Plantain Walk or Grass.—From two thousand five hundred to three thousand feet superficial, sometimes less, according to quality of grass.

Lining for Cane holes.—This cannot be tasked.

Holing land to receive plants.—In the manner this work is performed on this, and my own estate, merely loosening the soil, each person can prepare from 160 to 170 holes.

Planting Canes.—Each Negro from 320 to 340 holes, the plants furnished by people appointed for that purpose cannot be tasked, more or less according to the distance they have to carry them from the range to the interior of the field.

Weeding young plants first time.—From 130 to 150 cane stools, this work varies as to the nature of the soil, and more or less grass, and also in the state of the weather, if in a clay soil and bad weather it is less than 130, often so low as 110.

Weeding plants second time.—From 180 to 200, this varies also as to the state of the soil and weather.

Stripping Canes.—From 350 to 400 cane stools.

Cutting Canes.—Each person to give from 300 to 350 gallons of liquor, this depends on the quality of the canes.

Carrying Canes by crooks or carts.—Cannot be tasked.

Relieving Rattoons.—300 cane stools each person.

Weeding Rattoons, first time.—From 200 to 250 cane stools; this varies as to weather and soil, and the quality of grass, often less.

Weeding Rattoons, second time.—From 225 to 250 cane stools, as at first weeding of rattoons.

Mill.—If the people furnish canes the steam engine can give 300 gallons of liquor per hour, the quantity of 3600 gallons can be ground with ease in twelve hours, in ordinary canes twelve cutters ought to furnish canes enough for the above number of gallons, there are three men and seven women employed at the engine and mill.

Boiling the Liquor.—Depends on the weather as rendering the fuel dry or damp, the state of the cane juice, and skill in the fireman.



**Cutting Fuel.**—A man cuts from fallen trees pieces about 3 feet long, generally the branches, and puts up a cord 6 feet high and 6 feet long with ease.

**Digging Trenches.**—One foot deep, 18 inches wide, the utmost from 45 to 60 yards each negro. This varies as to the nature of the soil on new and old land; sometimes less than 140.

I beg leave to state that the above work is performed by the first or strong gang; the second or weaker gang do less, and in proportion to their strength.

I have, &c.

(Signed)

JOSEPH PESCHIER.

*To his Excellency the Governor and  
Commander-in-Chief, &c. &c.*

No. 20.

MY LORD,

Trinidad, 26th Feb. 1827.

HAVING requested the Protector of Slaves to draw up a statement, shewing the result of the quarterly returns made to him, in obedience to the Order in Council of the 10th March 1824, of offences committed by plantation Slaves, I am enabled by Mr. Gloster to lay before your Lordship a table shewing the offences, as returned quarterly, for the two years that have expired since the Order has been in force, distinguishing the males from the females, and which will enable your Lordship to judge of the increase or decrease of crime, and which, upon the whole, will be found to incline to the latter. But as these returns regard only the offences of Slaves punished on the estates; I also enclose a return from the records of the Gaol for the like period, which numbers must be added to those of the Protector's statement, making the whole number of offences for the two years amount to 11,966; the adult Slave population is 16,298; and, although the proportion of offenders of six to sixteen may appear large, yet your Lordship will see that serious offences, such as would subject the Proprietors to loss of life or liberty, at least in Europe, appear here expiated by the domestic connection of the Proprietor, who too often prefers to pass over the crime than surrender his Slave to justice.

The Protector has accompanied this statement with another, shewing not only the offences, but the quarters in which they are committed, together with the Slave Population, strongly manifesting the small proportion of punishment upon cocoa plantations.

In the hope that the labour bestowed by the Protector in the preparation of these documents may afford some useful information, and be acceptable to your Lordship.

I have, &c.

(Signed)

RALPH WOODFORD.

*The Right Hon. the Earl Bathurst, K. G.  
&c. &c. &c.*

A RETURN of Slaves committed to the Royal Gaol from the 30th June 1824, to the 30th June 1826. Distinguishing the males from the females, as also describing their offences.

Offences.	Males.	Females.	Total.
Charged with Criminal Offences, but acquitted upon Trial .....	8	1	
Convicted of Criminal Offences .....	21	1	
Convicted of Petty Thefts .....	78	14	
Convicted of Assaults .....	23	11	
Convicted of Breaches of the Peace .....	6	1	
Convicted of receiving Stolen Goods .....	3	none	
Convicted of Gambling .....	3	none	
Contravening the Police Regulations .....	6	none	
Refractory and insubordinate .....	148	103	
Convicted of harbouring Slaves .....	1	2	
Runaways and absentees .....	319	116	
	616	249	865

Which I certify,

(Signed)

A. F. BLACKWELL, Alcayde and Attorney for the Prisoners.



of Slaves,  
the Island,

	St. Joseph.		Savannah Grande and Moruga.	
	Females.	Males.	Females.	Males.
	210	372	348	

	St. Joseph.		Savannah Grande and Moruga.	
	Females.	Males.	Females.	Males.
"	"	"	"	"
"	"	"	"	"
"	"	"	"	"
"	1	1	1	1
"	"	"	"	"
"	"	"	"	"
"	"	22	1	"
"	1	1	"	"
"	1	17	"	"
"	"	1	"	"
"	"	1	"	"
"	"	"	"	"
"	"	"	"	"

(Signed) \_\_\_\_\_



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(Signed)

A. T. BENTON, Esq., Attorney and Counselor for the Prisoners.

No. 21.

SIR,

*Downing street, 9th May 1827.*

YOUR dispatch of the 26th February last has been received. The Tables and Returns furnished by the Protector of Slaves, evince industry and attention to the matters which come under his observation, and I have satisfaction in collecting from them that, notwithstanding the exemption of females from the whip, the offences of that sex are less in proportion to their numbers than those of the males.

I have, &amp;c.

(Signed.)

GODERICH.

*Governor Sir R. Woodford, Bart.*

&amp;c. &amp;c. &amp;c.

No. 22.

MY LORD,

*Trinidad, 8th August 1826.*

A COMPLAINT having been recently made to me by the mother of one Pamela Monro, a Slave, of the magnitude of the sum demanded for the manumission of her child, I made inquiry of the same from the Protector of Slaves, who has, in the inclosed Report, brought the same officially before me, and as the complaint is not only confirmed, but is founded on an appraisement that it is professed has been made in virtue of your Lordship's official Dispatches to the Governor of Demerara, that have been laid before Parliament, I deem it my duty to represent the case to your Lordship, as it is highly proper that the consequences arising from the view adopted by His Majesty's Government on the important subject of the Manumission of Slaves, should be made known to your Lordship without delay.

I subjoin an explanatory report from the Protector, shewing how much the appraisement in question exceeds any former valuation that has been had since the Order in Council has been in execution, viz. since the 24th June 1824.— And a Report from the Chief Judge, that your Lordship may be aware of the inability of that officer, under the Laws, to modify or alter any appraisement.

If this valuation be a just one, the Planters cannot complain of a depreciation of property, but it is obviously the effect of the prohibition, under the Act 5th Geo. IV. cap. 113, of bringing any Slave to the Colony, and the consequences of it will thus be felt by Slaves, who will be thereby deprived of the chance they formerly enjoyed of obtaining their freedom for a fair but moderate valuation.

I have, &amp;c.

(Signed)

RALPH WOODFORD.

*The Right Hon. the Earl Bathurst, K. G.*

&amp;c. &amp;c. &amp;c.

SIR,

*Protector of Slaves Office, 26th July, 1826.*

I HAVE the honour to transmit to your Excellency a Copy of an Appraisement of a female domestic Slave, lately made under the authority of the Order in Council of the 10th of March 1824. \*

As this valuation is the first which I apprehend has been made upon the principles stated in the body of the appraisement, I am induced to bring the same under your Excellency's notice.

I have, &amp;c.

(Signed)

HENRY GLOSTER,

Guardian of Slaves.

*His Excellency the Governor,*

&amp;c. &amp;c. &amp;c.

TRINIDAD.

THE undersigned, appointed to appraise Pamela Monro, a female Slave, aged eighteen years, or thereabouts, whose mother is wishful of manumitting her,

having carefully perused a dispatch transmitted by Earl Bathurst, one of His Majesty's Principal Secretaries of State, dated the 25th of February 1826, addressed to his Excellency Sir Benjamin D'Urban, in Demerara, and laid, with the Official Correspondence, before the Honourable the House of Commons in the present Session, in which his Lordship, amongst other matters, states;

"As the right which it is proposed to be given to the Slave to purchase his manumission is a vital part of the whole measure, it cannot be dispensed with. No system of measures would satisfy the feelings of this Country, or would completely execute the purposes of the House of Commons, which did not contain some direct provision, some acting principle, by which the termination of Slavery may be gradually accomplished; and the giving to a Slave a right to purchase his freedom by the fruits of his honest earnings, on a fair estimate of the loss which the owner may sustain by that act, guards the public on the one hand, against indiscriminate emancipation, and secures to the Planter, on the other, a pledge of an adequate compensation."

Further, in the same dispatch: "But if in the process of time it should unfortunately be found that the Slaves thus manumitted altogether abandon their owners, and refuse to work as free persons, the owner not having the means, by reason of the Abolition Act, to supply the loss of his Slaves, and not being able to engage any free labourers for his sugar plantations, the price which must then be assigned to the loss of each Slave must have a direct reference to that state in which the plantation will be placed by the progressive reduction of the means of conducting it."

The undersigned, governing themselves by the foregoing principles, and it being notorious that in this Colony Slaves so manumitted altogether abandon their owners, and that it is impossible to engage or contract with any free labourer for any settled term of work, and that the few which are to be procured come and go as suits their own caprice, so that no dependance can be placed upon them, would have felt themselves bound to value the said Pamela Monro at the sum of twelve hundred round Mexican dollars, to secure to her owner an adequate compensation, had she been attached as a field labourer to an estate;—but the said Pamela Monro being a domestic, the undersigned have resorted to other data by which to establish her value, and finding that she is in the prime of life, healthy, and in possession of many valuable qualities, so that her services could not be replaced by the hire of any other Slaves in the Colony at a less sum than six round dollars per month, in which case the Slave so hired is fed, clothed, and insured against all depreciation of her capital value from death or disease; and further, that the minors (Pasca) who now own the said Pamela could immediately hire her out, and obtain that remuneration for her services. Under all these circumstances, and for the purpose of securing an adequate compensation to the said minors, the undersigned are of opinion that the said Pamela Monro is fully worth the sum of twelve hundred Mexican dollars perfect, and do place that value upon her.

Actuated, however, by feelings of compassion towards the said Pamela, whose mother may possibly be unable to raise so considerable a sum, the undersigned beg to submit to the Court, as an alternative, that she be allowed to receive her manumission whenever the Protector of Slaves can find and purchase, with the means of the mother, another female Slave equally good and valuable in every respect to be given to the minors (Pasca), in compensation for the loss of the services of the said Pamela Monro.

(Signed)

THOMAS LE GENDRE.  
WILLIAM H. BURNLEY.

SIR,

*Government House, 28th July, 1826.*

I have to acknowledge the receipt of your Letter, transmitting for my information and notice, the Copy of an Appraisement of the Slave Pamela Monro, for her freedom, and I am to request that you would inform me how far that appraisement differs from those already had before you of Slaves of a description corresponding to that of the Slave in question.

I have, &c.

(Signed) RALPH WOODFORD.

*Henry Gloster, Esq. Protector and Guardian of Slaves.*

SIR,

*Port of Spain, 4th August 1826.*

I have the honour to acknowledge the receipt of your Excellency's Letter of the 28th ultimo, requesting to be informed how far the appraisement of the Slave Pamela Monro differs from those already had before me of Slaves of her description.

In reply, I beg leave to inform your Excellency, that I am not aware of any case exactly similar to that of the Slave in question. That which bears the nearest resemblance to it is of a Mulatto girl named Eleanor Rosette, aged about seventeen, the property of Messrs. Peschier and Metiver, and attached to the Retrench Estate. This person, at the time of appraisement, was represented to be an attendant upon the hospital, very useful in cutting out, and making the clothes of the Slaves, and a good house servant.

The appraisers differed widely in her value, one estimating her at £86. 13s. 4d. sterling, the other at twice that sum.

The umpire appointed by the Chief Judge finally determined that she was worth £150 sterling.

On referring to the Records of my Office I observe, that the appraisement of Pamela Monro far exceeds that of any other, since the promulgation of the Order in Council; and as I am anxious to put your Excellency in possession of all the information which it is in my power to afford on this point, I have taken the liberty to select from the Record several of the appraisements.

The Slaves were of the most valuable class, as the statement of their qualifications and appointments will shew.

Jean Baptiste Blair—plantation Slave, the property of Elie Boissiere, head boiler on his owner's estate, a tolerable mason, carpenter, and blacksmith, a very intelligent man, and one whom his owner considered it impossible to replace, 780 dollars or £169 sterling.

Juan Bautista Garcin—personal Slave, the property of Madame Urbanexa, a driver, and capable of conducting a cocoa estate 692 dollars 3 shillings, or £150 sterling.

John Marli—plantation Slave, the property of Mrs. Glenton, head driver on the Marli estate, and a confidential Slave, 650 dollars, or £140. 16s. 8d. sterling.

Janvier Rose Remy—plantation, the property of P. F. Gillot and J. P. Figeroux, head driver on the Perico Estate, and an active intelligent man 550 dollars, or £119. 3s. 4d. sterling.

Francisco Mieres—plantation Slave, the property of Angel Farfan, head driver of his owner's estate, and now employed by them as overseer at 5s. currency *per day*, 450 dollars, or £97. 10s. sterling.

The highest sum that has been paid by a Slave manumitted by private contract, is 750 dollars, or £162. 10s. sterling.

In this case the Slave belonged to a retail dry good merchant, and acted as store keeper, out door clerk, collected his master's debts, and was in every respect a confidential servant.

I have, &amp;c.

(Signed) HENRY GLOSTER,  
Guardian of Slaves.

*His Excellency the Governor,  
&c. &c. &c.*

SIR,

*Belmont, 5th August 1826.*

I have the honour to acknowledge the receipt of your Excellency's letter of the 28th July, accompanied by a communication from the Protector of Slaves to your Excellency of the 26th, with the copy of an appraisement of a female domestic Slave lately made, under the authority of the Order in Council of the 10th March 1824, and requiring any remarks that I might wish to make upon the subject.

In reply, I have only to refer your Excellency to the 29th and 30th Clauses of the Order in Council of the 10th March 1824, by which your Excellency will see that my duty is limited to the citation of the parties, the swearing of the appraisers, and the appointment of an umpire, and that by the 31st clause



I am empowered to give the certificate only when the provisions of the 29th and 30th clauses have been complied with, and the appraised value paid, and that I have no controul whatever over the appraisements beyond the nomination of the umpire.

I return the Protector's letter, with the copy of the appraisement, and

I have, &c.

(Signed)

ASHTON WARNER,  
Chief Judge.

*His Excellency the Governor,*  
&c. &c. &c.

No. 23.

SIR,

*Downing Street, 30th October 1826.*

I HAVE received your letter of the 8th August, in which you convey to me a complaint from the mother of a female Slave, whose name is Pamela Munro, of the magnitude of the sum demanded for the manumission of her child. I have examined the enclosures transmitted in that letter. It appears that the appraisers, Mr. Le Gendre and Mr. Burnley, thought themselves required, by certain observations which they find in a despatch addressed by me to the Lieutenant-Governor of Demerara, to adopt a certain principle of appraisement, which they conceive to be conveyed in that despatch. I have to observe that they have proceeded on an entire misapprehension and misapplication of the instruction by which they profess to have been guided. That despatch was addressed to the Lieutenant-Governor of Demerara, with reference to the measures recommended for the improvement of the Slave Code in that Colony, in which the system of Slaves purchasing their freedom as in Trinidad, had not hitherto taken place. It had reference to the eventually progressive value of Slaves, after a sensible reduction of the number employed on each plantation; to the growing difficulty of replacing them by purchase, in consequence of corresponding reductions on other plantations; and, lastly, but more essentially, that instruction proceeded on the contingency of its being eventually proved by experience that free labour is not applicable to the culture of plantations in the West Indies. It therefore had an express reference not only to field labour but to field labour in "a sugar plantation," as being that particular description of labour to which it was contended free labour was peculiarly inapplicable. All these considerations were not brought forward as what should affect existing valuations, (except so far as they might affect the price at which a substitute could be actually purchased according to the current prices of the Colony,) but as what were allowed to form reasonable objections to an uniform price being now fixed for what might be the appraisements which eventually ought to be hereafter assigned to the manumission of Slaves.

The appraisers, professing to be governed by these instructions, have given immediate effect to those prospective considerations, and have applied them to what they would at any time be the least applicable, namely, to the manumission of a domestic Slave.

Generally speaking, the market price of Slaves is the fairest criterion of their value, and it is that by which the appraisers should principally regulate their valuations. The various considerations mentioned in the instruction above referred to, were not brought forward to supercede this criterion, but as those which might progressively affect the market price, and thereby make the fixing now an uniform price objectionable. By the term market price, it is not intended to refer to special sales which may have taken place under special circumstances, but to that price for which a Slave *bona fide* equivalent could be purchased at the period of the appraisement, and in that case whether the proprietor receives an actual substitution of an equivalent Slave, or a sum of money, for which at his option an equivalent Slave can be procured, his interests are equally preserved. Even under the supposition that no equivalent Slave could be procured, the principle of appraisement would in no degree be changed. The price of the manumission in that case would be a sum which would be either an equivalent for the increased expense which the proprietor would incur from employing a free person in services in which it is known by experience that free people can be employed, or as a compensation, whatever may be the loss of the Slave's labour

in those services for which it may be found that free labour will not be available, or in those for which free labour may be only partially or inadequately substituted.

The manumission price therefore of Pamela Munro ought not to exceed the price for which "another female Slave equally good and valuable in every respect" could be procured for the minors Pasca. And if the appraisers had been able to form any definite opinion of the price of such a Slave, that amount is the price which they ought to have awarded as the price of Pamela Munro.

It appears by the papers you have enclosed, that the price is nearly double what, according to any calculation, is the current price, and the appraisers are fully aware of having exceeded it in their valuation, for, in the concluding paragraph of the appraisalment, they have left it to the Protector of Slaves (out of compassion, as they allege, to a mother's feelings) to purchase a substitute equally good and valuable, at a price more within her means of purchasing her daughter's freedom.

As it would have been a cruel mockery of a mother's disappointment if they had knowingly held out the expectation of an unattainable relief, I am satisfied that the appraisers were fully convinced that a substitute equally good and valuable could have been purchased at a much less price, and that price therefore was the one which they were bound to have fixed in the appraisalment.

As it appears that the appraisers in making the appraisalment were under an entire misapprehension of the meaning of the instruction, by which they profess to have been governed, and as the Protector of Slaves has no authority to purchase a substitute for the minor, according to the intentions of the appraisers, I have received His Majesty's commands to direct that you submit the case for their reconsideration.

You will not fail to transmit, for the information of His Majesty's Government, the particulars of each manumission case that may be acted upon under the Order in Council, and you will communicate to me, as you have very properly done in this instance, any circumstance that appears to require the attention and instructions of His Majesty's Government.

I have, &c.

(Signed)

BATHURST.

Governor Sir Ralph Woodford, Bart.

&c. &c. &c.

No. 24.

MY LORD,

Trinidad, 22nd December 1826.

I HAVE had the honour to receive your Lordship's despatch on the case of Pamela Monro, and I have communicated the same to the Protector of Slaves, who has thereupon addressed to me a letter, which I beg leave to lay before your Lordship.

I have also conferred with the Chief Judge and the Attorney General on the subject: they concur with the Protector of the former appraisalment, being binding and conclusive, which prevented the Protector from taking any measures at the time in favour of the Slave: I am also advised that no power exists to question, much less to set aside an appraisalment returned as fair and impartial; that the Appraisers themselves, if so disposed, could not alter their decision, and the Chief Judge does not consider himself to be invested with any authority to entertain a second application.

Under all these difficulties I have ventured to await your Lordship's further instructions, previous to issuing any directory orders to the Protector, and as Mr. Burnley is absent from the Colony, I trust that no great inconvenience will arise from the delay.

Your Lordship will do me the justice to believe that I am only prompted to suspend the execution of your Lordship's directions from a desire of putting your Lordship in possession of the objections that occur to the course of proceeding proposed, and that too much caution cannot be observed in a matter

which in its result might become of serious importance to the views of His Majesty's Government, will, I trust, be my apology.

I have the honour to be

My Lord,

Your Lordship's faithful and  
obedient servant,

(Signed)

RALPH WOODFORD.

*The Right Hon. the Earl Bathurst, K. G.*

*&c. &c. &c.*

SIR,

*Protector of Slaves' Office, 19th December 1826.*

I have the honour to acknowledge the receipt of a copy of Earl Bathurst's Dispatch, dated the thirteenth day of October last, relating to the appraisement of Pamela Monro, a female slave belonging to the minors Pasca.

The principles upon which the Appraisers professed to act, I considered it to be erroneous at the time I had the honour to transmit the appraisement to your Excellency, but the proceedings for obtaining the freedom of the Slave having been instituted under the Order in Council of the 10th of March 1824, and proceeded in with the formalities observed in all cases of a similar nature, I did not conceive myself warranted in making any representation to the Appraisers, whose valuation was final, and conclusively binding upon all the parties, and from which the law allowed no appeal.

The appraised value of Slaves manumitted by the Chief Judge under the provisions of the Order in Council for the first eighteen months after the Order came into operation, does not average much more than one half of the general average for the last twelve months.

The selling or market price of Slaves however has not experienced a commensurate rise, and therefore it is evident that the magnitude of the appraisements lately made are not occasioned by the increased value of Slaves.

While the market price of Slaves continues as at present, I would consider the application of other principles of appraisement, to any common case, as an injustice to the Slave, and an encroachment upon the rights conferred upon him by the Law.

To my apprehension the only fair criterion, by which the value of a Slave can be ascertained, is the usual market price, and although that price has risen considerably within the last twelve months, the criterion afforded by it is far exceeded by the generality of appraisements.

It is also certain that the market price will rise in proportion to the decrease of the number or difficulty of procuring plantation Slaves. It is therefore unjust to add to the real value or market price of the Slave purchasing his freedom, a portion of the value of the Estate to which the Slave is attached, until it becomes impracticable to continue the cultivation of the Estate in consequence of the impossibility of procuring a substitute for the Slave who is to be enfranchised.

The other opinions are very generally diffused, and however controvertible they may be by argument, I cannot indulge even the hope that they will be easily eradicated, or prevented from operating very seriously to the disadvantage of the Slave desirous of becoming free. Still, however, as the price of the freedom is left entirely to the judgment and dicta of the Appraisers, there is not at present any existing law that can have the effect of counteracting these opinions, or affording any relief to the Slave; and I must acknowledge, that I cannot suggest or even imagine any remedy to this operation of misdirected judgment, without incurring a risk of subjecting the owner to an injustice equal in magnitude to that to which the Slave is now exposed.

The principle, that the value of the Slave should be estimated at the amount of the capital required to yield a revenue equal to the hire which could be obtained for the Slave, is evidently fallacious, from the fact, that every day instances occur of Slaves being bought for four hundred dollars, or eighty-six pounds thirteen shillings and four pence sterling, who, as Mr. Burnley mentions, may be immediately hired at the rate of six dollars, or one pound six shillings sterling per month, fed, clothed, and the capital guaranteed; the corresponding capital to which, at six per cent (the ordinary rate of interest in

Trinidad), is one thousand two hundred dollars, or two hundred and sixty pounds sterling (the appraised value of Pamela Munro). Yet surely it could not be pretended, that the latter sum was the real value of a Slave which had been bought for one-third of the sum a short time before, and which could not be re-sold at an advanced price.

This, I submit, proves that the market price is the only just and fair criterion for determining the value of a Slave.

I have the honour to be,

Your Excellency's obedient humble Servant,

(Signed)

HENRY GLOSTER,

Protector of Slaves.

*To his Excellency Sir Ralph James Woodford, Bart. Governor,*

*&c.*

*&c.*

*&c.*



## CAPE OF GOOD HOPE.

### No. 1.

*Extract of a Despatch from Earl Bathurst to Lord Charles Somerset, dated, Downing-Street, 20th February 1826.*

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 24th of September last, enclosing the draft of an Order for ameliorating the condition of the Slave population in the Settlements under your Excellency's Government, which you had prepared for the purpose of being submitted for the consideration of His Majesty in Council.

It is highly gratifying to His Majesty's Government, that your Excellency has been enabled, with the assistance of your Council, to frame the enactments of this Order, so much in accordance with the provisions of the Trinidad Order; and I am of opinion that your Excellency has accounted in a satisfactory manner for deviating upon certain points from the regulations of that Order.

Under these circumstances, I should have felt no difficulty in submitting your draft of the proposed Order for the consideration of His Majesty in Council, if it had not appeared to me that this instrument might more conveniently be issued in the Colony as a Legislative Act of your Excellency's government; and it is for that purpose that I now return that document in the form of a draft of Ordinance, which your Excellency will accordingly promulgate without delay, and transmit to me for His Majesty's approbation, in conformity with your general instructions.

### No. 2.

*Extract of a Despatch from Major-General Bourke to Earl Bathurst, dated Cape of Good Hope, 21st June 1826.*

I HAVE to acknowledge the receipt of your Lordship's despatch of the 20th February last, addressed to Lord Charles Somerset, covering the draft of an Ordinance for bettering the condition of Slaves within this Colony, and have the honour to inform your Lordship, that, in obedience to the instructions contained in the despatch, I lost no time in laying the draft before Council, by whom the Ordinance has been passed, with some trifling amendments, having reference to the Criminal Courts, in which offences against this Statute are to be prosecuted, and to the time at which its operation is to commence.

I have now the honour to enclose a copy in English of the Ordinance, which will be formally published as soon as it has been translated into Dutch; and in the mean time arrangements are making in the several offices throughout the Colony for carrying the provisions into effect.

G. R.

(Signed) RICHARD BOURKE.

*Ordinance of his Honour the Lieutenant-Governor in Council, for improving the Condition of the Slaves at the Cape of Good Hope.*

WHEREAS the propagation of Christianity, and the general diffusion of religious instruction amongst Slaves, will tend, beyond any other measure, to promote morality amongst them, and to improve their condition and conduct; and whereas it is necessary that provision should be made for the regular attainment of these objects within the colony of the Cape of Good Hope and its Dependencies; and whereas the Inspector of Slave registry hath hitherto acted as the recorder of the rights and privileges of the Slave population

The Inspector of the Slave Registry appointed Registrar and Guardian of Slaves.

His Salary.

Oath to be taken by him.

His Majesty may disunite the Office of Guardian from the Office of Registrar of Slaves.

Office of the Registrar and Guardian to be established in Cape Town.  
Days and hours of attendance.

Records, &c. to be preserved in the Office.

Registrar and Guardian not to be Owner or Mortgagee of any Slave employed upon an estate or in agriculture;

and not to have any interest therein,

on pain of avoidance of Office.

Such avoidance to be advertized in the Gazette, until which all his acts as such are valid.

Registrar and Guardian is to reside in the Colony;

and not to quit the same without licence.

In cases of incapacity or necessary absence of the Registrar and Guardian, a Deputy is to be appointed.

within the same: It is hereby enacted and declared, that the said Inspector of Slave registry shall be, and he is hereby appointed Registrar and Guardian of Slaves in this Colony and its Dependencies; and that, as such Registrar and Guardian of Slaves, he shall receive and be paid, at the time and in the manner hereinafter mentioned, such salary as His Majesty shall be pleased to appoint; and that such salary shall commence from and after the first day of July next; and that on or before that day, if possible, or, if not then, so soon after as conveniently may be, the said Registrar and Guardian of Slaves shall appear before the Governor, or Acting Governor for the time being, and in his presence shall take and subscribe an oath, in the following words, that is to say:—

“I, A. B. do swear, that I will, to the best of my knowledge and ability faithfully execute and perform the duties of the office of Registrar and Guardian of Slaves at the Cape of Good Hope, without fear, favour, or partiality, so help me God.”

Provided, nevertheless, and it is hereby ordered, that nothing herein contained shall extend to prevent His Majesty from disuniting the office of Guardian of Slaves from the office of Registrar of Slaves, and from appointing a distinct and separate officer to act as and to be Guardian of Slaves, in case His Majesty should see fit so to do.

2.—And it is hereby further enacted, that the said Registrar and Guardian of Slaves shall establish and keep an office in Cape Town, and shall regularly attend at such office on such days, and during such hours of the day, as the Governor or Acting Governor, by any general or special orders to be by him from time to time issued may appoint; and shall at such office, and not elsewhere, keep, deposit and preserve the several records, books, papers and writings hereinafter directed to be kept by him.

3.—And it is further enacted, that the said Registrar and Guardian of Slaves shall not be the owner or proprietor of any Slaves or Slave employed or worked upon any estate, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such estate, Slaves or Slave, and shall and is hereby declared to be incompetent to act as, or be the Manager, Overseer, Agent, or Attorney of, for, or upon any such estate, or to act as the Guardian, Trustee, or Executor, of any person or persons having or being entitled to any such estate, or any Slaves or Slave; and in case any such Registrar and Guardian of Slaves shall have, acquire, hold, or possess, either in his own right or in right of his wife, or in trust for any other persons or person, any such estate situate within the Colony, or any Slaves or Slave employed or worked upon any estate, or in any kind of agriculture, or any share or interest in, or any mortgage or security upon, any such estate, or Slaves or Slave, or shall act as such Manager, Overseer, Agent, Attorney, Guardian, Trustee or Executor as aforesaid, he shall thenceforth, *de facto*, cease to be such Registrar and Guardian of Slaves and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office; provided, nevertheless, that all acts which may be done by, or by the order of any such Registrar and Guardian of Slaves, after any such avoidance as aforesaid of such his office and before the same shall, by public notice in the Gazette of the Colony, be declared void, shall be as valid and effectual in the law, as if no such avoidance of office had occurred.

4.—And it is further enacted, that the said Registrar and Guardian of Slaves shall be resident within the Colony, and shall not quit the same without a special licence to be granted for that purpose by His Majesty, through one of his Principal Secretaries of State, or by the Governor or Acting Governor for the time being of the Colony; and no such licence shall in any case be granted for any time exceeding three months, nor shall any such licence be granted by any such Governor or Acting Governor as aforesaid, unless it shall be made to appear to him, on the oath of some Medical Practitioner, that such absence is necessary for the recovery of the health of the said Registrar and Guardian of Slaves.

5.—And it is further enacted, that upon the death or resignation of the said Registrar and Guardian of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the Colony, it shall be lawful for the Governor or Acting Governor, to nominate and

appoint some other fit and proper person to act as the deputy for the said Registrar and Guardian of Slaves until His Majesty's pleasure shall be known; and the said deputy shall receive such allowance, to be deducted from and out of the salary of the said Registrar and Guardian of Slaves, as the Governor, or Acting Governor for the time being, of the Colony shall be pleased to appoint: provided always, that no person shall be appointed or be competent to act as such deputy as aforesaid, who, according to the provisions of this Order, would be incompetent to act as the Registrar and Guardian of Slaves: Provided also, that the Registrar and Guardian of Slaves in the Colony, shall at all times perform his duty in person, and not by deputy, except only in cases in which the Governor or the Acting Governor of the said Colony, is hereinbefore authorized to appoint a deputy for that purpose.

In other cases he is to perform his duty in person.

6.—And it is hereby further enacted, that the persons who now are, or may be hereafter appointed, to act as Registrars of Slaves in the several districts within the Colony, shall be, so long as the two Offices of Registrar and Guardian of Slaves may be combined together, and they are hereby declared to be Assistant Registrars and Guardians of Slaves, in their several and respective districts; and the said Assistant Registrars and Guardians of Slaves shall, and are hereby required, in their several and respective districts, to be aiding and assisting the Registrar and Guardian of Slaves in the execution of the powers hereby committed to him; and for that purpose, to obey and carry into execution such lawful instructions as they may, from time to time, receive from him, about or in relation to the matters herein mentioned, or any of them.

District Registrars to be Assistant Guardians of Slaves.

7.—And it is hereby further enacted, that in all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any tribunal or court of justice within the Colony, wherein any Slave may be charged with any offence punishable by death, banishment, or transportation, or wherein any question may arise as to the right of any alleged Slave to freedom, or wherein any person may be charged with the murder of any Slave, or with any offence against the person of any Slave; or wherein any question may arise respecting the right of any Slave to any such property as he or she is hereinafter declared competent to acquire; then, and in every such case, such notice shall be given to the Registrar and Guardian of Slaves, or to his Assistants in the several districts, as the case may be, of every such action, suit, or prosecution, as, according to the law of the Colony, would be given to the said Slave, if he or she were of free condition; and the Registrar and Guardian of Slaves, or his Assistant if in a country district, shall, and he is hereby required to attend the trial or hearing, and all other the proceedings in every such action, suit, or prosecution as the Guardian of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of such Slave.

In what actions, suits, and prosecutions for and against Slaves, notice must be given to the Registrar and Guardian and his Assistants.

8.—And whereas His Majesty is anxious to make the most effectual provision for the religious instruction, and the exercise of religious worship, of the Slaves in the Colony, it is hereby further ordered, that all Sunday markets shall be abolished and prohibited, and be absolutely unlawful: provided always that nothing herein contained shall prevent any individual from selling vegetables, meat, or other articles of provision on a Sunday, except during Divine service: and it is further ordered, that no Slaves shall be deprived by their masters of the right of attending at church, or other place of religious worship, on Sundays, under a penalty of twenty shillings for every such offence, unless justifiable cause can be shewn for such prevention.

Sunday markets prohibited.

9.—And it is hereby enacted, that Sunday being commanded in all Christian States to be a day of rest, it shall be illegal to procure, induce, or compel any Slave to perform or engage in any labour, for the profit of his or her owner, manager, or employer, on the Sabbath-day, or for any Slave to hire himself or herself to work, either to his or her owner or manager, or to any other person on the Sabbath-day; and any person so offending shall incur and become liable to a fine not exceeding five pounds sterling, nor less than one pound sterling: provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any work or labour which any Slave may perform on Sunday, on the necessary attendance upon the person, or in the family of his or her owner or employer, or in the necessary and un-

Penalty against Masters who prevent their Slaves attending at Church.

No Slaves to work on Sabbath-day.

Penalty. Cases excepted.



In cases of necessity, Slaves may hire themselves on the Sabbath-day to their Masters or Employers, or others, with their written consent to work upon the estates.

Notices every six months of the lowest rate of wages for such extra work to be publicly issued.

No such hiring to be legal, unless wages are paid.

Further excepted cases]

Slaves to be provided with sufficient and wholesome food.

Penalties.

Punishment of unfounded complaints.

Hours of work for Slaves in garden and field labour during summer and winter seasons.

Remuneration of extra work in time of unavoidable necessity.

avoidable preservation of the cattle or live stock upon any country place: provided, nevertheless, and it is hereby declared, that in case it shall be absolutely necessary for carrying on the indispensable labours of the field, or the vineyards on pressing occasions, or for the preservation of the crops or produce upon any plantation or estate in the Colony, and for the prevention of essential injury to the same, to work and employ thereupon any Slaves or Slave on the Sabbath-day; and if any such Slaves or Slave shall, in any such special case, voluntarily consent and agree to work upon any such plantation or estate, for the purpose aforesaid, nothing in this Order contained doth extend, or shall be construed to extend, to prevent any such Slaves or Slave from hiring themselves, himself, or herself, (either to his or her owner, or to any other person) to work upon any such plantation or estate on the Sabbath day: provided always, that no such Slave shall or may lawfully be so hired to work on the Sabbath-day, in the service of any person or persons, except their, his or her owner or manager, unless with the special consent in writing of such owner or manager: provided also, that the Registrar and Guardian of Slaves shall, by notices to be by him, from time to time issued in the usual and most public manner, signify the lowest rate of wages at which Slaves may, during the period of six calendar months next ensuing the date of every such notice hire themselves, either to their respective owners, or with the consent of their respective owners or managers, to work on a Sunday, for the special purpose of the preservation of the crops or produce upon any plantation or estate in the Colony, in which notices shall be stated, the different rates of such wages payable to the Slaves so hiring themselves, according to the age and sex of such Slaves, and according as they may be field negroes or artificers: and no hiring of any Slave for any such special purpose as aforesaid, shall be a legal hiring, or shall be exempted from the penalties of this Ordinance, unless such Slave shall actually receive and be paid, for his or her own use and benefit, wages at not less than the rate so to be fixed by any such public notice as aforesaid. And it is further declared, that nothing in this Ordinance contained shall extend, or be construed to extend, to prevent the employment on Sunday of any Slave or Slaves, as a watchman or watchmen, upon any estate or plantation, or in nursing or attendance on the sick, or in attendance upon the person, or in the family of his or her owner or manager, or in performing or making preparations for any interment, or in extinguishing any fire, or otherwise in preventing any irreparable damage or injury to the property of his or her owner, employer, or manager; and no Slave so employed shall be entitled to any hire or wages for such his or her services: provided, nevertheless, that no Slave shall be employed on the Sabbath-day in field labour, or in any of the ordinary works upon any plantation or estate, upon the pretence, or by reason that any irreparable injury would arise from the postponement of such labour, unless such Slave shall voluntarily engage in the same, and shall for such his labour receive and be paid such hire and wages as aforesaid.

10.—And it is hereby further enacted, that every Slave within this Colony and its dependencies as aforesaid, shall be supplied by his or her owner or manager with sufficient and wholesome food, and with good and sufficient clothing; and in case of dissatisfaction relating thereto, appeal may be made by either party to the Local Authority; and in case of deficiency, or bad quality of food or clothing being proved, then, and in every such case, the owner or manager shall incur and be liable to a penalty of fifty shillings for the first offence, and of five pounds sterling for a second offence; and in case on the contrary, the complaint be proved to be unfounded and frivolous, the complainant shall be condemned to such legal punishment as the nature of the case shall be found to require.

11.—And it is hereby further enacted and declared, that Slaves employed in garden or field labour, shall not be compelled to work more than ten hours in each twenty-four hours, from the 1st of April to the 30th September, nor more than twelve hours from the 1st of October to the 31st March inclusive, except during the ploughing or harvest seasons, or on other extraordinary occasions of unavoidable necessity: provided always that during the ploughing and harvest seasons, or in cases of unavoidable necessity, a fair remuneration be made to the Slave or Slaves, in money, or by an additional

proportion of food; at the option of the Slave, to be decided in case of appeal by the Local Magistrate; and in case any owner or manager shall be proved to have transgressed any of the provisions of this Clause, every such owner or manager shall be liable to, and incur a penalty not exceeding five pounds sterling, nor less than one pound sterling.

Appeal to Magistrates.

Penalty.

12.—And it is further enacted, that it is and shall henceforth be illegal for any proprietor, or any person employed by him, or in his behalf, to inflict any punishment on a male Slave, beyond twenty-five stripes in one day, or with any instrument of greater severity than those which now are, or hereafter may be, ordered to be used within the prisons of the district where such Proprietor or Slave may reside; which punishment is not in any case to be repeated until the delinquent shall have recovered from the effects of the former correction, under a penalty in breach of any of the provisions of this Clause, not exceeding ten pounds sterling, nor less than five pounds sterling for each offence.

Punishment inflicted on Male Slaves not to exceed 25 stripes.

Instruments to be used for punishing.

Penalty.

13.—And it is further enacted, that from and after the publication of this Act, no female Slave shall be liable to be publicly flogged for any offence; but all female Slaves offending against any of the existing Laws of the Colony, in cases where their Proprietors, or persons employed by them, or in their behalf, are authorised to interfere and decide, may be punished, if in health, by solitary confinement, with or without work, in any dry and proper place, for moderate periods proportionate to their offence, and in no case exceeding three days; or committing any domestic offence, by whipping privately on the shoulders, to such moderate extent as any child of free condition may be, and usually is punished and corrected in any school for the education of youth in the said Colony: provided always, that the latter punishment be not repeated within twenty-four hours, under a penalty, in breach of any of the provisions of this Clause, not exceeding ten pounds sterling, nor less than five pounds sterling for each offence.

Female Slaves not to be publicly flogged.

Masters authorised to place in solitary confinement not exceeding three days;

or private chastisement, by whipping over the shoulders.

Penalty.

14.—And it is further enacted, that it shall be illegal to inflict domestic punishment on a Slave by any other hand than that of the owner, employer, or overseer, (not being a Slave,) except in cases where the owners or employers (having no free persons in their employ,) are females, or infirm, or suffering under disease, or are upwards of sixty years of age, under a penalty not exceeding ten pounds sterling, nor less than five pounds sterling, to be paid for such offence by the person who shall have caused such illegal punishment to be inflicted.

By what persons corporal chastisement may be inflicted.

Penalty.

15.—And it is further enacted, that should it be necessary for the security or safety of a family or individual to put a Slave in irons, the same shall be reported within twenty-four hours to the nearest Local Authority, under a penalty of five pounds sterling, stating the cause and circumstances under which such measure may be justified; and in default of such justification, the owner or person, or persons employed by him or in his behalf, shall be deemed guilty of maltreatment, and subject to such punishment as is prescribed by Clause 43 of this Ordinance.

Report to be made within 24 hours of the putting a Slave in irons.

Penalty.

16.—And it is hereby further enacted, that the corpse of a Slave shall not be interred without a written permission thereto being first obtained from the Local Authority under whose immediate jurisdiction the owner or employer for the time being resides; and any owner, manager, or employer of a Slave or Slaves interring, or causing or suffering a corpse of any Slave in his service to be interred, without such permission as aforesaid, shall be liable to and incur a penalty of not less than five pounds sterling, and not exceeding ten pounds sterling; or in cases where it is not possible to procure the assistance of the Local Authority within twenty-four hours, it shall and may be lawful for such owner, manager, or employer of a Slave, to call in two neighbours who must certify in writing, (to be sworn to when required,) the apparent age, and sex of the Slave, the state of the body, and the probable cause of his or her death; the owner or manager of such Slave shall however be obliged to forward the certificate, so obtained by him, to the Local Authority without delay: but if it shall appear, by marks on the corpse, or from any other circumstances, that the deceased has come to his or her death by unfair means, the said certificate shall be withheld, and a report thereof be immediately made to the nearest Local Authority by the persons so called in.

The putting a Slave in irons to be deemed maltreatment, unless properly justified.

Corpse of a Slave not to be interred without a written permission.

Penalty.

Where no permission can be obtained within 24 hours, neighbours to be called in;

and their certificates of the probable cause of the death to be forwarded to the Magistrates.

In doubtful cases, immediate reports to be made to the Local Authority.

In prosecutions for unlawful punishments, whereof the traces appear, credit is to be given to the statements of the Slave punished.

Unless the contrary be proved.

Registrar and Guardian, or his Assistant, to conduct such prosecutions, and to continue therein, unless prevented by written order of Government.

Slaves punishable if their complaints appear groundless.

Marriages of Slaves not within the prohibited degrees permitted.

Children follow the state of the mothers.

Consent, in writing of the owners or managers supersedes the necessity of being asked in church, or of appearing before the Matrimonial Court.

Slave marriages to be registered, and notified to the Registrar and Guardian.

Slave marriages to be celebrated on Sundays, in churches, or other convenient places,

and children baptized.

Written consent of Owners or Managers, or licences of the Registrar and Guardian, sufficient authority.

No fee allowed.

In case of refusal to consent, the Registrar and Guardian, or his Assistants, are to grant licences.

What is required for obtaining and granting such licences.

17.—And it is hereby enacted, that upon the prosecution of any person being the owner, or acting in the name or in behalf of the owner, of any Slave or Slaves, for inflicting, or causing, or procuring to be inflicted, on any Slave or Slaves, any punishment hereby declared illegal, if the Slave so alleged to be illegally punished shall be produced in any competent Court of Justice in the Colony; and if the marks or traces of recent flogging or laceration shall appear on the person of such Slave, and if such Slave shall, in open Court, declare such traces to be the consequences of any such unlawful punishment or correction, and being duly examined by such Court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, and in every such case, the owner, or other person having the charge of such Slave, shall be bound to prove, either that the punishment of which the marks may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment within the meaning of this Order; and in default of such proof, such owner, or other person as aforesaid, shall be convicted and adjudged to be guilty of the offence imputed to him. And it is further enacted, that every such prosecution as aforesaid, shall be conducted by the Registrar and Guardian of Slaves, or by his Assistant if in the country districts; and that it shall not be lawful for him, or his Assistant, to discontinue any such prosecution, except by virtue of an order in writing to be for that purpose issued under his hand and seal by the Governor, or acting Governor for the time being, of the Colony; but should the complaint of such Slave prove groundless, the Slave shall be condemned to such legal punishment as the nature of the case may require.

18.—And it is further enacted and declared, that Slaves who are not in the prohibited degrees of consanguinity, or affinity, may intermarry with their owner's (or respective owner's) consent, had in writing, and delivered to the Local Authority; and that the children of such marriages shall be the property of the owner of the mother: the same to hold good with regard to Slaves of either sex intermarrying with free persons, in which case, also, when the wife is a Slave, the children of such marriage shall belong to her owner.

19.—And it is further enacted, that the consent in writing of the owner or manager, or the respective owners, proprietors, or managers (as the case may be), transmitted to the clergyman through the Local Authority, shall supersede the necessity of being asked in the church, or of appearing before the Matrimonial Court, to legalize the marriages of Slaves; and the respective Local Authorities shall be responsible that all marriages between Slaves are without delay enregistered, as all other marriages are; and that a notification of the marriage be made to the Registrar and Guardian of Slaves, or to his Assistants in the country districts, as the case may be.

20.—And it is hereby further enacted and declared, that Slave marriages shall be celebrated in the church on Sundays, where the locality will permit, and that in other cases the clergymen shall once in six months appoint the most convenient places in their respective districts, for the purpose of marrying Slaves and baptizing Slave children, so as to remove the inconvenience arising from remote habitations; which marriages it shall be lawful for the clergymen to solemnize, upon receiving the written consent of the owner, or manager, through the Local Authority, as above directed; or, in case such written consent has been refused by the owner, proprietor, or manager, upon a licence of the Registrar and Guardian of Slaves, or his Assistants in the respective country districts, as the case may be, as directed in the clause next following. And all marriages of Slaves, and the baptism of their children, shall be performed without fee or reward.

21.—And it is hereby further enacted, that in case the owner or manager of both or either of the Slaves as aforesaid, who may be desirous to intermarry, shall refuse to consent to such marriage, or to give such written permission for the celebration thereof as aforesaid, then, and in every such case, if the Slave to be married has attained (when a female) the age of fifteen years, and when a male, the age of twenty years, the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall thereupon issue a summons under his hand and seal, requiring the owner or manager of such Slaves, or the persons or person under whose direction such

Slaves may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner, manager, or other person as aforesaid, being duly cited, shall fail to appear, or appearing shall fail to give good and sufficient proof that such proposed marriage would be injurious to the well-being of such Slaves, then, and in such case, the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall, without fee or reward, issue a licence under his hand and seal, thereby authorising any clergyman, minister, or public teacher of religion, within the said Colony, having a licence from Government to that effect, to solemnize the marriage of the said Slaves; and any marriage so solemnized shall, to all intents and purposes, be binding, valid, and effectual, in law: and any clergyman, minister, or public teacher of religion within the said Colony, having a licence from Government to that effect, by whom any such marriage shall have been solemnized, shall, within fourteen days next after the solemnization, transmit a certificate thereof to the Local Authority, in order to be registered in the records of the respective Matrimonial Courts, as all other marriages are; and that a notification of the marriage be made to the Registrar and Guardian of Slaves, or to his Assistants in the respective country districts, as the case may be, where separate books must be kept for the registry of all Slave marriages.

No fee allowed.

Substance of the licences.

Licensed marriages valid.

Certificate thereof to be transmitted to the Local Authorities.

Notification to be made, and books to be kept, of all Slave marriages, by the Registrar and Guardian, and his Assistants.

Husband and Wife, the property of the same person, to be sold in one lot, and to the same person;

otherwise sales null and void.

22.—And it is further enacted, that after the celebration of marriage it shall not be lawful to sell any Slave having a husband or wife, who may be the property of the same persons or person, unless such husband and wife shall be sold together, and in one and the same lot, and to the same person or persons; and if any Slave or Slaves shall be sold separate or apart from any such husband or wife as aforesaid, then and in every such case such sale shall be, and the same is hereby declared to be, absolutely null in law, to all intents and purposes whatsoever.

Children not to be sold under ten years of age without the mothers.

Exception.

23.—And it is further enacted, that it shall not be lawful to sell any child or children born of a Slave woman within the said Colony, without his, her, or their mother, unless such child or children shall have fully attained the age of ten years, or unless good and sufficient proofs shall have been given to the Court of Justice, through the Registrar and Guardian of Slaves, that it would be for the well being of such child or children not to be sold along with his, her, or their mother.

Children of Christian Slaves to be baptised,

and reported.

24.—And it is further enacted, that any owner or proprietor neglecting to cause the children of their Christian Slaves to be baptized within twelve months after the birth of such children, and to report it within one month after baptism to the Registrar and Guardian of Slaves, or to his Assistants in the respective country districts, as the case may be, shall incur and be liable to a penalty of not less than fifty shillings, and not exceeding ten pounds sterling for each offence, and shall, nevertheless, be compelled to have such child or children baptized at his own expence.

Penalty in case of neglect.

25.—And it is hereby enacted, that the clergymen or persons duly authorised to administer that Holy Sacrament, shall report quarterly to the Registrar and Guardian of Slaves, or to his Assistants in the respective country districts, as the case may be, all baptisms of Slaves solemnized by them.

Clergymen to report quarterly to the Registrars and Guardians.

26.—And it is further enacted, that Christian Slave owners or employers residing in Cape Town and other towns and villages, and their immediate vicinity in the Colony where free schools are or may be established, shall send their Slave children, above three years and under ten years of age, at least three days in each week, to any such free schools; and those whose residence will not permit them to afford this consoling advantage to their Slave children, are earnestly recommended and invited to avail themselves of any other means which may offer within their reach for giving them instruction.

Christian Slave Owners to send their Slave-children to free schools.

27.—And it is hereby further enacted, that separate books shall be kept in the offices of the Registrar and Guardian of Slaves, and of his Assistants in the respective country districts, of all baptized Slaves, specifying their ages, sex, date of baptism, and by whom baptized.

Registers of baptized Slaves to be kept.

28.—And it is hereby further enacted and declared, that no person in the Colony, being in a state of slavery, shall be, or be deemed or taken to be, by reason or on account of such his or her condition, incompetent to purchase, acquire, possess, hold, enjoy, alienate, or dispose of property; but

Slaves entitled to possess, dispose of, and sue for property.

every such Slave shall, and is hereby declared to be, competent to purchase, acquire, possess, hold, enjoy, alienate and dispose of, lands situate in the Colony, or money, cattle, implements or utensils of husbandry, or household furniture, or other effects of such or the like nature, of what value or amount soever, and to bring, maintain, prosecute and defend, any suit or action in any Court of Justice, for or in respect of any such property, as fully and amply, to all intents and purposes, as if he or she were of free condition.

Interest to be allowed upon money deposited by Slaves in Saving Banks.

Slaves allowed to make declarations for the disposal thereof at their decease.

Declarations to be recorded, and be deemed last wills.

Duty of the Orphan Chamber.

Such wills avoided by subsequent marriage.

How property is to be disposed of by Orphan Chamber if Slaves die intestate.

Property of Slaves who die intestate, and leave no relations behind, to be paid into the fund for the purchase of Female Slave-children.

Value of such Female Slave-children, how to be ascertained.

Saving-Banks to be under the controul and inspection of the Registrar and Guardian, or his Assistants.

Officers of Saving Banks to be appointed, and their instructions to be made by the Governor;

and to be transmitted for His Majesty's approbation.

Deposits in the Saving Banks, exceeding 50s. to be made with the consent of the Owners or Managers.

29.—And whereas a saving-bank is already established in the Colony, and it is expedient that provision should be made for giving the fullest effect to the same, it is hereby enacted, that interest, at and after the rate of four per centum per annum, shall be allowed upon the amount of every sum of money (not less than twenty-five shillings), which may be deposited in any Saving-bank; which interest shall be a charge upon the general revenues of the Colony. And any Slave making any deposit of money in any such Saving-bank, shall be at liberty to make a declaration of the manner in which, and the names of the person or persons to whom, in the event of his or her death, the amount of his or her contributions to the said Saving-bank shall be paid, applied, and disposed of; and such declaration shall be recorded in a book to be kept for that purpose at the saving-bank where such deposit may be made; and, upon the death of the Slave making such declaration, the same shall, in the absence of any other last will, be deemed and taken to be the last will and testament of such Slave, under the direction of the Orphan Chamber, in as far as regards the collection, preservation, and distribution thereof; the same to be free from all manner of charge, fee, or duty: and, in case any such Slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be, a revocation in the law of such declaration. And it is further enacted, that, in case any Slaves or Slave in the Colony shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of such Slave shall go and be disposed of by the Orphan Chamber to and in favour of such persons or person, as, by virtue of the laws of the Colony then in force, may be entitled to any such property. And it is further ordered, that in case any Slaves or Slave die intestate, and without having made such declaration as aforesaid, and have no relations entitled to their succession, then, and in every such case, the property shall be paid by the Orphan Chamber into a fund formed in the Colony, for the purchase of such female Slave children as shall appear to the Committee appointed by Proclamation of the 18th of March 1823, to manage that fund, to be most deserving of such consideration; and the price to be paid for any female Slave or Slaves, whose freedom may be thus purchased, shall be fixed according to their actual value by two arbitrators, after being duly sworn to act impartially; one to be chosen by the owner of the Slave, and the other by the Registrar and Guardian of Slaves, with power to the Court of Justice to name an umpire, in case of difference, who shall be duly sworn for that purpose, and whose award shall be final.

30.—And it is further enacted, that the Saving-banks throughout the Colony shall, as far as the deposits of Slaves are concerned, and for which distinct books shall be kept, be under and subject to the controul and inspection of the Registrar and Guardian of Slaves, or his Assistants in the respective country districts, as the case may be, and that the Governor, or Acting-Governor for the time being, shall be, and he is hereby authorised to appoint such proper and necessary officers, and to make such rules and regulations, as may be best adapted for managing the business of the said banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies therein to be deposited; provided that such rules and regulations be not repugnant to this present Ordinance; and that the same be forthwith transmitted for His Majesty's approbation, through one of His Majesty's Principal Secretaries of State.

31.—And it is hereby further enacted, that no deposit of money shall at any one time, or within any one week be received at any of the said saving-banks from any Slave, exceeding the sum of fifty shillings in the whole, unless such Slave, at the time of tendering any such deposit, shall produce the consent

in writing of his owner or manager to such deposit being made; and in case any Slave shall be desirous at any one time, or in any one week, to make any such deposit of money, exceeding the sum of fifty shillings, and the owner or manager of such Slave shall refuse his consent to such deposit being made, then and in every such case, the Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall, upon application made to him for that purpose, issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the persons under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, or, appearing, shall fail to lay before him good and sufficient cause why such deposit ought not to be made, then, and in every such case, the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall issue an order, under his hand and seal, requiring the manager of the saving bank to receive the amount of such deposit, and the same shall be received by him accordingly.

How to proceed in case of refusal to grant such consent.

32.—And it is further enacted, that no duty, tax, or impost of any nature or kind whatsoever, and that no fee of office, shall be hereafter paid or payable within the said Colony, upon, for, or on account, or in respect of the manumission of any Slave, or the enrolment or registration of any deed of manumission: and if any person within the said Colony shall hereafter take, demand, or receive, any such tax, duty, impost, or fee of office, the person so offending shall incur and become liable to the payment of a fine not exceeding twenty pounds sterling, and not less than five pounds sterling.

No duty, tax, impost or fee to be paid upon the manumission of Slaves.

33.—And it is hereby further enacted, that in case any Slave within the said Colony shall be desirous to purchase the freedom of him or herself, or of his or her wife or husband, or child, or brother, or sister, it shall and may be lawful to and for any such Slave to purchase the freedom of himself or herself, or of any such other person as aforesaid. Provided always that every such Slave who shall be desirous so to purchase the freedom of himself or herself, or any such person as aforesaid, shall be able to prove, and shall actually have proved, to the satisfaction of the Registrar and Guardian of Slaves, or of his Assistant in the respective country districts, that the money or other property by which he or she has been enabled to make such purchase, has been acquired by him or her by lawful means; and if, under such proviso, the owner of any such Slave shall be unwilling to effect his or her manumission, or shall by reason of any mortgage, or other charge upon, or interest in such Slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of such Slave, or if the owner, or any other person, having an interest in any such Slave, shall be a minor, or a married woman, or idiot, or lunatic; or if the real and true owner of any such Slave shall be absent from the Colony, or shall not be known, or if any suit or action shall be pending in any Court of Justice in the Colony, wherein the title of the said Slave, or the right to his or her services, shall or may be in controversy; or if the owner of any such Slave shall demand, as the price of his or her freedom, a greater sum of money than may be the fair and just value thereof, then, and in each and every of the cases aforesaid, the Court of Justice of the Colony, on application made to it for that purpose by the Registrar and Guardian of Slaves, shall issue a summons under their hands and the seal of the court, requiring the owner or manager of such Slave, or the persons or person under whose direction such Slave may be, to appear before it by themselves or their agents, at some convenient time and place to be for that purpose appointed; and notice shall also be published by the said Registrar and Guardian of Slaves, in the Public Gazette of the Colony, on three several days, of the time and place appointed for the purpose aforesaid; and in such notice all persons having, or claiming to have, any title or interest in or to the Slave proposed to be manumitted, either in their own right, or as the Guardians, Attorney, Trustees, or Executors of any other person, shall be required to attend and prefer such claim.

Penalty.

Slaves allowed to purchase their freedom, or that of their relations;

upon proof to the Registrar and Guardian, or his Assistants, that the money or property enabling them thereto has been acquired by lawful means.

In case of objection being made, reference to be had to the Court of Justice.

Duty of the Court at the time of meeting.

34.—And it is hereby further enacted, that at the time appointed for any such meeting as aforesaid, the Court of Justice for the Colony, in the presence of the Registrar and Guardian of Slaves, and also in the presence of the owner, or his representatives, or manager of the Slaves or Slave proposed to be manumitted, or upon proof being made to it on oath of the due service and publication of such notice as aforesaid, then, if necessary, in the absence of such owner or manager, shall proceed to hear, in a summary way, what may be alleged by the Registrar and Guardian of Slaves, and by the owner or manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case the parties, or any of them, shall refuse to effect any such manumission; or if it shall appear to the said Court that a valid and effectual manumission of any such Slave cannot legally be effected by private contract; or if it shall be made to appear to the said Court that the owner of any such Slave, or that any person having any charge upon, or interest in, him or her, is a minor or a married woman, or idiot, or lunatic; or that the real and true owner of any such Slave, or that any person having any charge upon or interest in him or her is absent from the Colony, or is unknown, or cannot be found; or that any suit or action is pending in any Court of Justice in the said Colony, wherein the title to the said Slave, or the right to his services, is in controversy; or if it shall appear to the said Court, that any difference of opinion exists between the Registrar and Guardian of Slaves in the Colony, and the owner of any such Slave, respecting his or her price or value, then, and in every such case, the said Court shall require the Registrar and Guardian of Slaves, and the owner, manager, or person having the direction of any such Slave, each to nominate an appraiser of his or her value; and the said appraiser, being first duly sworn before the said Court to make a fair and impartial appraisement, shall within seven days next after such their appointment, make a joint valuation of the Slave proposed to be manumitted, and certify such their valuation to the said Court, under their hands and seals; and in case such joint certificate shall not be delivered to the said Court within the said term of seven days, then the said Court shall itself nominate an umpire between such appraisers; and the said umpire, being duly sworn, shall within the next seven days, certify his valuation, under his hand and seal, to the said Court, and the valuation to be made in manner aforesaid, either by the said joint appraisers, or in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Slave Registry of the Colony.

Appraisers of the value of the Slave how to be nominated.

Duty of Appraisers.

Nomination of an Umpire, and his duty.

Appraised value to be paid to the Receiver-General.

Receipt and declaration of the proceedings to be enrolled.

Slaves so redeemed to be free.

Expences of appraisement to be borne equally.

In what cases half of the expences shall be divided among the Masters and other persons having any interest or charge upon the Slaves.

35.—And it is hereby further enacted, that, upon payment to the Receiver General or Treasurer of the Colony, of the appraised value of any such Slave as aforesaid, after deducting therefrom the expence of the appraisement to be allowed by the said Court, the said Receiver-General or Treasurer shall grant to the Registrar and Guardian of Slaves, a receipt for the money so to be received by him; and such receipt shall be duly enrolled in the Office of Slave Registry in the Colony, together with a declaration under the hand and seal of the said Court, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly laid before it, and thereupon such Slave shall be, and be deemed taken and reputed to be free, to all intents and purposes whatsoever.

36.—And it is hereby enacted, that in all cases where such appraisement shall be made by reason of the refusal of the owner or owners of any such Slave to effect his or her manumission, or by reason of any difference of opinion between the Registrar and Guardian of Slaves and the owner or proprietor of any such Slave, respecting his or her price or value, the expences of such appraisement shall be equally borne by, and divided between such owner or proprietor and the Slave proposed to be manumitted. And in all cases where such appraisement shall be made by reason of the inability of the owner or proprietor to effect a valid manumission by private contract, or by reason of the minority, coverture, idiotcy, or lunacy of such owner or proprietor; or by reason of the absence from the Colony of any such owner or proprietor, or other person having a charge upon the said Slave; or by reason that any such owner or proprietor is unknown, or cannot be found,



or by reason of the pendency in any Court of Justice in the Colony of any suit or action wherein the title to the said Slave, or the right to his or her services, is in controversy; then, and in all such cases, the expences of the said appraisement shall be equally divided between the Slave proposed to be manumitted, and the owner or proprietor, or other persons having any charge upon, or interest in him or her; and such last mentioned moiety of the said expences shall be deducted from the money arising from the manumission of the Slave, before the investment thereof, in the manner directed in and by this Ordinance.

Such moiety to be deducted from the appraised value.

37.—And it is further enacted, that the money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall and may be laid out and invested under the authority of the Court of Justice, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; or if no such application be made, then such money shall remain in the hands of the Receiver-General or Treasurer of the Colony, and shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands, of what nature or kind soever, as such Slave or Slaves was or were held, upon, under, or subject unto, at such the time of his, her, or their manumission: and the said Receiver-General, or Treasurer, shall hold the said money, subject to such orders as the said Court of Justice may, upon a summary application of any person interested therein, see fit to make; and such money shall, by the said Receiver-General, or Treasurer, be paid, applied, and disposed of, in pursuance of, and obedience to, any such order.

How money accruing from such redemptions to be disposed of.

38.—And it is hereby further enacted, that before the manumission of any Slave by virtue of any private contract for that purpose, between such Slave and his owner, notice of such intended manumission shall, by the owner of such Slave, be given in writing to the Registrar and Guardian of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said Registrar and Guardian of Slaves shall, also, without fee or reward, prepare the proper deed of manumission, and the same shall, in all cases, be executed in the presence of the said Registrar and Guardian of Slaves, or of some proper witness to be by him appointed for that purpose; and being so executed, shall, by such Registrar and Guardian of Slaves, be enrolled in the Office of Slave Registry in the Colony, within one calendar month next after the date and execution thereof; and in case any such deed shall not be registered at the said Office of Registry, within the said period of one calendar month, the said Registrar and Guardian of Slaves shall incur, and be liable to, the payment of a fine, not exceeding fifty pounds sterling, nor less than ten pounds sterling, such fines to be sued for and recovered by His Majesty's Fiscal, in the full Court of Justice.

The Receiver-General to hold and dispose of the said money, subject to the directions of the Court of Justice.

Redemption of Slaves by private contract to be effected with the knowledge of, and acts of manumission to be executed and enrolled by the Registrar and Guardian.

Penalty, and how sued for.

39.—And whereas by the usages in the Courts of Judicature in the Colony, persons in a state of slavery have hitherto been reputed competent in law to be admitted as witnesses in criminal cases, as well as in civil proceedings; and whereas it is expedient that the said custom should be recognized and established by law, it is therefore enacted and declared, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any Court of Civil or Criminal Justice in the Colony, by reason of his or her being in a state of slavery, if such witness be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath; provided, nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned; and provided, also, that nothing herein contained, shall extend to take away or diminish any power and authority which any Court of Criminal Jurisdiction in the Colony now hath, to admit, in any case, the evidence of persons being in a state of slavery: provided, also, that nothing herein contained shall extend, or be construed to extend, to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence if he or she were of free condition.

Slaves competent to give evidence on oath;

but in civil suits not for or against their Masters.

Power of the Courts to admit evidence of Slaves in any case, to remain in force.

Rules respecting the incompetency, in certain cases, of Free Persons to give evidence to extend to Slaves.

40.—And it is hereby further enacted, that the salary of the Registrar and Guardian of Slaves, shall, by him, be taken and received in lieu, and in full

No emoluments to be received by the Registrar and Guardian, excepting his salary.



satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever; and that if he, the said Registrar and Guardian of Slaves, shall take or receive, directly or indirectly, any fee, perquisite of office, advantage or emolument, other than his said salary, for and in respect to any act, matter, or thing, done or performed by him in the execution of such his office, he shall incur, and become liable to, the payment of a fine, equal to twice the amount of what he may so receive, and shall, moreover, become disqualified from holding such his office.

Penalty.

Half-yearly accounts of the performance of his duty, to be delivered by the Registrar and Guardian to the Governor.

41.—And it is hereby further enacted, that the said Registrar and Guardian of Slaves shall, on the first Monday next after the 25th day of December, and on the first Monday next after the 24th day of June, in each year, deliver to the Governor, or Acting Governor for the time being, of the Colony, a report in writing, exhibiting an account of the manner in which the duties of such his office have been performed during the half-year next preceding the date of such his report; and especially stating the number of the actions, suits, and prosecutions in which he may have acted as the Guardian of any Slave or Slaves, with the dates and effect of all the proceedings therein, and the particulars of all the returns which, by virtue of this Ordinance, may have been made to him by the Assistant Registrars and Guardians of Slaves, within the Colony; and the names of the persons, if any, against whom any criminal prosecution may have been instituted under and by virtue of this Ordinance, together with the number of licences which may by him have been granted for the marriage of any Slaves, with the number of marriages appearing to have been solemnized in pursuance thereof, together with the amount of the sums of money deposited in the Saving Banks in the said Colony, and also a statement of the names of all the Slaves manumitted under the authority of this present Ordinance; and the Governor, or acting Governor for the time being of the Colony, shall, thereupon, administer to the said Registrar and Guardian of Slaves, an oath, that such report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as the said Registrar and Guardian of Slaves shall have made such his half-yearly report, and shall, in manner aforesaid, have been sworn to the truth thereof, then, and not before, the said Governor, or Acting Governor, shall issue to the said Registrar and Guardian of Slaves, a warrant for the amount of his salary, to be paid half-yearly, for the half-year next preceding the date of such report; and the said Governor, or Acting Governor, shall, and he is hereby required, by the first convenient opportunity, to transmit such report, as aforesaid, to His Majesty's Principal Secretary of State, having the Department of the Colonies.

Upon oath.

Salary of Registrar and Guardian to be paid half-yearly upon the receipt of his Reports.

Report to be transmitted to the Secretary of State for the Colonies.

Penalty and disqualification attending fraudulent erasure or interlineation, false entry, or burning, cancelling, or obliterating books, records, or returns, or part thereof.

42.—And it is further enacted, that if the Registrar and Guardian of Slaves, or any of his Assistants in the several districts of the Colony, or any other person, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the books, records, or returns, or shall wilfully make, or cause or procure to be made, any false entry in any such book, record, or return, or shall wilfully and fraudulently burn, cancel, or obliterate the same, or any of them, or any part thereof, the person or persons so offending shall be liable to the payment of a fine not exceeding one hundred pounds sterling, and not less than fifty pounds sterling, and shall be disqualified from holding any such office: and the said penalties shall be sued for, if in the case of the Registrar and Guardian of Slaves, by His Majesty's Fiscal, in the full Court of Justice; and if in the case of any of the Assistants of the said Registrar in the country districts, by the respective public prosecutors, before the several Boards of Land-drosts and Heemraden.

How sued for.

How maltreatment of Slaves, not attended with death, is to be punished.

43.—And it is further enacted, that maltreatment of a Slave by the proprietor, not attended with death, shall be punished by fine, imprisonment, banishment, or other sentence of the law, by any of the competent Courts in the Colony, according to the nature of the case and the degree of cruelty exercised, and the Slave so maltreated shall be publicly sold for the account of the owner, but under special condition of never coming again into his power, or into that of his parents, children, brothers or sisters: and in case any person shall be convicted of any cruel and unlawful punishment to any Slave, the said Courts shall, and are hereby authorized, at their discretion, to declare the right and interest of the person so convicted in and to any such Slave to

be absolutely forfeited to His Majesty ; but when the maltreatment of a Slave has been attended with death, the Court in giving judgment, shall be guided by the law applicable to homicide.

If death has ensued.

44.—And it is further enacted, that if any person shall be twice convicted before any tribunal in the Colony, of inflicting upon any Slave or Slaves any cruel and unlawful punishment within the meaning of the preceding section of this Ordinance, the person so convicted shall, in addition to the penalties thereinbefore mentioned, be declared by the Court before which such second conviction may take place, absolutely incapable in the law to be the owner, or to act as the manager, overseer, or superintendent of any Slaves or Slave within the Colony: and all and every the Slaves or Slave, of which, at the time of such second conviction, any such person may be the owner, shall be publicly sold for his account under special condition of never coming into the power or under the controul of his parents, children, brothers, or sisters.

Additional penalty upon second conviction.

45.—And it is further enacted, that maltreatment of a Slave by the overseer, or representative of the owner or proprietor, or by any other individual not being the owner or proprietor of such Slave, shall be punished as if the same had been inflicted on a free person, placed under the superintendence or direction of such overseer, representative, or other individual.

Maltreatment by any person not being the Owner, to be punished as if inflicted on a free person.

46.—And it is further enacted, that all complaints shall be brought, and all penalties incurred under the provisions of this Ordinance, shall be sued for and recovered (except where otherwise directed by the same), if in the country districts, before the several Boards of Land-drost or resident and commissioned Heemraden; and if in Cape Town, and the district thereof, before the permanent sitting Commissioner, and, on recovery, shall be disposed of as follows, viz. one-third to the informer, and two-thirds to the fund specified in Clause 29 of this Ordinance, for purchasing the freedom of female Slave children.

How penalties are to be sued for, recovered, distributed and applied.

47.—And whereas by the provisions of this Ordinance, for the improvement of the condition of the Slaves in the Colony, it is not intended to infringe on the lawful rights of their owners to the property in their Slaves, or of any other person or persons interested in their value; it is hereby declared, that none of the said provisions shall be deemed to affect in any degree the lawful right of property of the owners in their Slaves, or any just claims to their services.

Provisions of this Ordinance not intended to infringe upon the lawful rights of the Owners.

48.—And it is hereby further enacted and declared, that whenever any Slave or Slaves, or any right or interest in any Slave or Slaves, shall, upon the conviction of any person or persons, in the manner in this Ordinance mentioned, become forfeited to His Majesty, his heirs and successors, such forfeiture shall not be carried into effect by the actual seizure, or sale of the property so forfeited, until the particulars and circumstances of the case shall have been reported to His Majesty through one of His Principal Secretaries of State, and until His Majesty shall have signified His Royal pleasure therein: provided, that, pending any such reference to His Majesty, such forfeited property shall be and remain legally vested in him, subject to be divested in case His Majesty shall be graciously pleased to remit any such forfeiture.

Sentences of forfeitures of Slaves to His Majesty, not to be carried into effect until His Majesty's pleasure shall be known.

49.—And it is further enacted and declared, that no such forfeiture as aforesaid to His Majesty, of any Slave or Slaves, or of any right or interest in any Slave or Slaves, shall, or according to the true intent and meaning of this Ordinance doth in any way diminish, affect, or take away the right or interest of any person or persons to, or in, any such Slave or Slaves, other than and except the person or persons upon the conviction of whom any such forfeiture may be incurred.

No sentences of forfeiture to affect the right of persons, excepting those on whose conviction the Slaves are forfeited.

50.—And it is further enacted, that this Ordinance shall take effect, and be in force from and after the first day of August next.

Ordinance to be in force from 1st August 1826.

And that no person may plead ignorance hereof, this will be published and affixed in the usual manner.

GOD SAVE THE KING.

Given at the Cape of Good Hope, this nineteenth day of June one thousand eight hundred and twenty-six.

By command of his Honour the Lieutenant-Governor,  
(Signed) R. PLASKET, Secretary to Government.

By order of the Council,  
(Signed) D. M. PERCEVAL, Clerk of the Council.



## Papers respecting the Religious Instruction of the Slaves in the West Indies.

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### DIOCESE OF JAMAICA AND THE BAHAMAS.

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#### No 1.

*Extract from a Letter from the Bishop of Jamaica to Earl Bathurst,  
dated 20th February 1826.*

I BEG leave to call your Lordship's attention to an extract of a letter, which I have lately received, detailing a mode of instruction, and which has been attended with the most salutary effects.

I have lately visited the Eastern and Northern parishes of the island, and I am happy to announce to your Lordship a growing disposition for the institution of Sunday and Parochial Schools, which experience proves to be the only efficient means of instructing the Slave and coloured population.

I held my second ordination yesterday; three Deacons and five Priests were added to the Ministry.

I am carrying into effect throughout all the parishes, the provisions of the new Clergy Act, and I begin already to perceive the immediate advantages resulting to the Church from that measure.

It is my intention to visit Honduras and the Bahamas about the middle of next month.

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*Extract from a Letter from the Reverend Griffith Griffiths to the Bishop of Jamaica, dated February 15, 1826.*

AT the close of the morning service I select the most forward and intelligent, whether free or Slaves, who, either by moral instruction or otherwise, have committed to memory any considerable part of the Catechism; and these (after having divided the others into classes, each consisting of about twenty, more or less, males and females, adults and children, separately), I appoint as masters over their respective classes, to impart that portion of knowledge that they may have obtained to the more ignorant, and less instructed; this they do with alacrity and faithfulness.

In the mean time, I myself am employed in preparing candidates for baptism and marriage, in explaining the nature of both, and performing the same, which occupies from an hour to an hour and a half. I then visit the different classes, where I am happy to add, an astonishing regularity and subordination have hitherto prevailed. The teaching in classes being over, I enter the reading desk and catechise the whole congregation together till the commencement of the evening service. The number thus instructed regularly since Christmas have been from two hundred to three hundred adults and about one hundred and forty children.

The instruction has hitherto been only oral, and that from want of books, but having now obtained a sufficiency, I propose on my return to commence teaching by letters upon the same principle as before. And although there will be considerable difficulty in getting teachers at the beginning, I do not, however, despair of being able in a few months effectually to obviate this obstacle. As soon as any of them know the alphabet I shall appoint them to teach the same to others, "jamque docenter alios docendo," as Dr. Bell justly observes, whose mode of teaching I adhere to as far as circumstances will admit, and I anticipate a success similar to that of the Madras Asylum

## No. 2.

MY LORD,

*Spanish Town, Jamaica, June 12, 1826.*

I HAVE the honour to enclose a report of my late visitation to Honduras and the Bahamas, and I venture to draw your Lordship's attention more particularly to that part which refers to the appointment of a free black man, Joseph Watkins; and to suggest whether *Catechist* would not be a more appropriate title than *Preacher*. At the same time it is my duty to bear my testimony to the excellence of his general character, and to the proficiency of his scholars, whom I examined myself, and found them strictly brought up in the principles of the Established Church.

No. 2, is a report from the Curate of the parish of St. Andrew, which is equally creditable to himself and his parishioners.

No. 3, is a statement of a person sent out by the Church Missionary Society, to instruct the Negroes on Papine Estate, in St. Andrew's parish, the property of James B. Wildman, Esq. much praise is due to him for his skill and industry, and I am inclined to augur most favourably of a system of education which seems particularly calculated to meet those appalling difficulties in the instruction of Negroes, listlessness and inattention.

I have, &amp;c.

(Signed) CHRISTOPHER, JAMAICA.

*The Right Hon. Earl Bathurst, K.G.*

&amp;c.

&amp;c.

&amp;c.

## No. 1.

MY LORD,

*Spanish Town, Jamaica, June 10, 1826.*

I HAVE to communicate, for your Lordship's information, that I visited the Grand Cuymanas on the 20th of March, and had an interview with the Magistrates and other respectable inhabitants of that dependancy of Jamaica. There is no minister of religion of any persuasion whatever on the island: it is a low sand bank, and full of swamps in the centre; about thirty miles in length and seven in breadth. The service of the Church of England is regularly performed by the Magistrates in the towns—George Town and Bodden Town; and all other ministerial duties, as marriages and burials, &c. are discharged by the same Authorities, who receive their commissions from the Governor of this island. They seemed anxious for a Minister of the Established Church, and for the institution of parochial schools. At George Town I observed the timber ready for a new chapel, but I fear their means of contributing to these desirable objects are very limited. I have great satisfaction, however, in bearing my testimony to a very general desire for religious instruction, and I consider this to be a field particularly adapted for the labours of a Catechist. No proprietor possesses more than forty Slaves in the whole island; they are employed chiefly in fishing for turtle and in the manufacture of starch from arrow-root and a species of rush; their houses are neat, and the inhabitants are distinguished by a very striking simplicity of manners. There were thirty-one families, regularly married by the Custos, living at George Town. The population is generally estimated at five hundred whites and eight hundred persons of colour—of these latter about two hundred and fifty are free.

I arrived at Belize Honduras, on the 24th of March, but unfortunately in such a state of fever as to be incapable of attending to any public business till the 13th of April, when I consecrated a very handsome new church, built at a great expence by the Settlement, and capable of holding about five hundred persons. A burial ground adjoining was also consecrated. The Rev. Matthew Newport, the Minister, received his appointment from the Superintendent, on the recommendation of the Magistrates; his salary his £300 per annum sterling, and fees to the amount of £200 per annum currency, are secured to him by the colony. He has also some other advantages—as Chaplain to the garrison. A good free school has been endowed by the Settlement, and a very large and commodious school-room and house for the Master has been built. The Master's salary is £300 per annum currency. I found one hundred and seventy children

of different casts receiving instruction here on the Madras system. A branch society for promoting Christian knowledge, of which I am appointed President, has been lately established, and no other books are allowed but such as are sanctioned by the Parent Society in England. I held a confirmation on the 17th of April, when forty-three persons were confirmed, and I left the Settlement on the 18th, after having received every mark of attention and kindness from the Superintendent, Major-General Codd, the Magistrates, and principal inhabitants.

I arrived at Nassau, New Providence, on May 6th, and was received by all the public authorities in a manner very gratifying to my feelings, and strongly indicative of a sincere desire to promote the great objects of my mission. Your Lordship is aware that the Bahamas consist of eleven parishes; 1 Christ Church—2 St. Matthew at Nassau, New Providence—3 St. John, Eleuthera—4 St. Patrick, Harbour Island—5 St. Salvador, Cat Island—6 St. Andrew Exumas, great and little—7 St. Paul, Long Island, Rum-key, &c.—8 St. David's, Crooked Island—9 St. George, Caicos Islands—10 St. Thomas, Turk's Islands—11 St. Peter, Abaco.

I regret to say, that there are only three churches and two clergymen in these eleven parishes, namely, Christ Church, the Rev. W. Hepworth, and St. Thomas, Turk's Islands, the Rev. William Strachan. The church in Harbour Island, St. Patrick, was blown down about a year and a half ago, and no measures have yet been taken to rebuild it. Under these circumstances I consulted with Mr. President Munnings (now at the head of the Government, in the absence of his Excellency Major-General Grant), in what manner the very pressing wants of the church in this part of the diocese could be supplied; and I thought it my duty to submit to him the Clergy Act, passed last Session in this island, together with such suggestions as I thought applicable to the colony, and I have every reason to conclude that these measures will be taken into consideration by the Legislature at their next meeting.

The Rev. W. Strachan, now Rector of St. Thomas, was duly instituted by me, and is ready to take possession of the living of St. Matthew, Nassau, (to which preferment he has been already presented by the Governor), as soon as I shall be enabled to send a clergyman to succeed him at Turk's Island. Catechists under the direction, and subject to the controul of the clergy, with my licence, might be employed with great effect and advantage in this part of the diocese.

There is a free-school at Nassau, supported by the colony, where one hundred and twenty-six children, white and coloured, are educated. The master receives four pounds ten shillings for each pupil.

There is also another school for coloured children, to which Joseph Watkins, a free black man, was appointed master by the Associates of Dr. Bray's Charity, in 1814, at a salary of thirty pounds per annum sterling.

In 1822, this person was appointed by the Legislature *Preacher* at St. Paul's Chapel, a place of worship *unconsecrated*, and *private property*, with a salary of fifty pounds per annum currency. He reads every part of the Church service, including the Absolution, to a large congregation, and expounds the Scriptures. I can, of course, have no jurisdiction over a Layman in his character: but I cannot help observing on the irregularity of a person not in holy orders thus ministering publicly in the congregation, but whose services appear to be sanctioned by the Colonial Government.

I took my seat as a Member of Council in this colony on the 9th of May.

I cannot conclude my observations on this part of my diocese without remarking that the Slave population throughout the Bahamas is in a very improved state. They are much encouraged by their masters to work out their own freedom at a moderate price, by faithful service, for a stated period; and I am inclined to attribute their advancement in civilization, amongst other causes, to their coming frequently in contact with their masters as domestic servants, and to the small proportion they bear to the whites, compared with any other colony.

(Signed)

CHRISTOPHER, JAMAICA.

*The Right Hon. Earl Bathurst, K. G.*

&c.

&c.

&c.

*Extract from the Report of the Rev. W. H. Lindsay, Curate of St. Andrew, Jamaica, to the Lord Bishop of Jamaica, March, 1826.*

YOUR Lordship is probably aware that my duty on Sundays commences with a visit to Stony-Hill Barracks, the head-quarters of the 50th Regiment, being a distance of six miles from my place of residence; from whence (having read the morning prayers, attended the school, and performed whatever extra services may have been required) I return in sufficient time for the celebration of Divine Worship in my church, which is generally most respectably attended by the several families resident in the parish. At the conclusion of the service, I retire into the vestry room, followed by such persons of colour as have attended for the express purpose either of being admitted by baptism into the bosom of the church, or of being united in the holy state of matrimony. Following the example of other diligent and successful promoters of the Gospel in your Lordship's diocese, I admit none to the blessed privileges of Christianity, neither infants nor adults, unless the former are accompanied by their respective sponsors, who have so far advanced in religious knowledge as to be able to comprehend the meaning of the Sacrament, together with the nature of the obligation which they have assumed, and unless the latter can answer a few easy simple questions relative to the leading articles of their faith, and are in like manner attended.

Thus, my Lord, by pursuing such an undeviating line of conduct, are gained two material objects, highly conducive to the spiritual welfare of the Slave. For, in the first place, by the latter mode of proceeding, no Negro will presume to present himself before me as a candidate for baptism without having used some exertions to procure instruction, knowing that rejection will be the inevitable consequence of his inability to reply to the questions proposed to him; neither do I conceive that the progress of the Gospel will, by such a method, be in any way retarded, or that the admission of converts to Christianity will be less frequent, as man is generally most eager in pursuit of that which is difficult of attainment. To those whom ignorance compels me to reject, I give a note addressed to their employers, stating my reasons for so doing.

Secondly, by requiring the regular attendance of sponsors, I am enabled to form a tolerable class, in instructing and catechising, whom I am usually employed for the space of forty minutes, or an hour, preparatory to my advance to the Altar, for the purposes already related. Having thus discharged my duties in the church, my attention is immediately directed to the parish workhouse, where I read the evening service, and conclude with a short, plain, and familiar lecture, adapted to the capacities of my hearers, and which, from their general murmur of approbation, and the gratitude they express, I am convinced they thoroughly comprehend.

I am happy, my Lord, to be able to bear testimony to a very laudable spirit and desire of improvement which has lately manifested itself among the free persons of colour resident in this parish. In the month of March I received a letter (of which I annex a copy), and it was mentioned by the bearers of this letter, in the name of their acquaintance, that they would willingly defray the expence of lighting the church, provided I would grant my attendance and afford them further information, with which request, of course, I readily complied, and I can assure your Lordship that the result has exceeded my sanguine expectations. My congregations on Wednesday evenings consist, almost exclusively, of coloured persons, bond as well as free, amounting to about an average of one hundred and fifty individuals. Seven o'clock is the hour at which service commences, when all servants can conveniently attend; and it is a pleasure to observe with what order and decorum they return to their respective homes. I must not omit, also, to mention, that the Magistrates and Vestry have lately contributed all in their power to the furtherance of religion and improvement of the lower classes, by assuming to themselves all the above-mentioned expences, and also by giving every encouragement to their Negroes to attend. I am about to give public notice of my intention of opening a Sunday school, which will be conducted by competent persons, under my own superintendence, for the benefit of such children as may resort thither for instruction. A tax has lately been imposed

upon the parishioners, under the provisions of the new Clergy Bill; for defraying the charge of erecting a chapel upon a convenient piece of land, gratuitously granted by our worthy Custos for that purpose, and that it is the intention of the parish next year to erect another chapel upon as convenient a spot as can be selected. (Signed) W. H. LINDSAY.

*Copy of a Letter from the Free Persons of Colour to the Reverend W. H. Lindsay.*

WE, the Undersigned, derive great benefit from your religious instruction, and, hoping you will grant our request of Evening Prayers on Wednesdays, for the benefit of the poorer classes that are unable to attend Divine Service on Sundays.

Signed by twenty-six persons.

No. 3.

June, 1826.

*Extract from the Report of Mr. Thomas Jones, of the Church Missionary Society, transmitted to the Bishop of Jamaica, relative to his mode of instructing the Slave Population at Papine Estate, in the Parish of St. Andrew.*

I COMMENCED instructing the Negroes on the above estate in the month of last February, from which period I have generally taught them every morning from seven o'clock to nine, from ten to twelve, and in the afternoon from one to two, and from two to five. I have also taught the adults from seven in the evening from the 1st of April. The number thus under my instruction are fifty-four children and fifty adults; out of this number there are forty-three in monosyllables, and one young woman who has begun to read the New Testament. The Negroes of this property have given upwards of ten pounds towards an intended organ, and they express themselves as very thankful in having amongst them a teacher of religion.

My manner of communicating knowledge and religious instruction is thus: I first endeavour to gain their attention, *then* their affection, and lastly, their confidence. After this I shew them what is a real object, and what is not, what relation one thing has to another, and make simple observations thereon, or any other circumstances that may have transpired. I then hear their lessons, and when I perceive that they begin to grow weary (which in this tropical climate no person will be surprized at) I begin to call their attention to any pleasing object, and ask their opinion upon it.—They then read again; after this I exercise them with their hands, saying, “Up, down, over, under, above, below, high, low, &c.” On a different day I question them on religious topics, teach them figures and different sorts of lines, as round, oval, square, &c., then the days of the week, month, &c.

9th June 1826.

(Signed) THOMAS JONES.

No. 3.

MY LORD,

Spanish Town, Jamaica, September 1, 1826.

I HAVE the honour to transmit, at the request of the Corporate Body of Kingston, certain Resolutions on the subject of an additional place of worship in that city, and also an estimate of the probable expence for erecting such building.

Having failed in repeated endeavours to raise a larger sum than that which is specified in the resolutions by private subscription, I was in hopes that the deficiency might have been supplied by a tax to be levied on the inhabitants generally, according to the provisions of the Consolidated Clergy Bill. I am induced, however, to conclude, from all that I can collect on the subject, and particularly from the Report of a Select Committee appointed by the Corporation to investigate the distressed state of the finances from late commercial embarrassments, and the great arrear in collecting the public taxes, that the facts, as detailed in the accompanying document, are sub-



stantially correct; of the expediency and, indeed, absolute necessity of this additional place of worship, there can be no doubt, and I cannot give your Lordship a more satisfactory proof of the good disposition for religious instruction, if there were the power, than the recent establishment of a large Sunday-school, by private contributions.

I am induced to hope that, under these circumstances, your Lordship will deem this case entitled to the favourable consideration of the Lords Commissioners of His Majesty's Treasury. It is my sincere conviction, that any seeming backwardness in carrying into effect recommendations of this nature, and having for their object the instruction and improvement of the lower classes of the people, arises, in the present state of this colony, from a want of means rather than of inclination.

I have, &c.

(Signed) CHRISTOPHER, JAMAICA.

*The Right Hon. Earl Bathurst, K. G.*

&c.

&c.

&c.

*Resolutions entered into by the Court of Common Council, held in the City and Parish of Kingston, on Tuesday the 1st day of August 1826.*

1st.—That the inhabitants of Kingston, deeply impressed with the necessity of increasing the number of places for public worship, according to the forms of the Church of England, have raised by subscription the sum of £4,200 for building a chapel, of which sum £1,200 have been expended in the purchase of a piece of ground and otherwise.

2d.—That by the estimate now submitted to this board, it appears that a chapel capable of holding one thousand persons can be built for £5,500, and that the ground can be enclosed, and the chapel fitted for Divine worship, for about £1,500 more, making an aggregate expence of £7,000.

3d.—That to complete such chapel, the sum of £4,000 currency, or £2,500 sterling, is required in addition to the subscription already made.

4th.—That the state of this community renders it utterly impossible to raise in it any further funds, either by direct taxation or by a loan; the existing taxes, heavy and intollerable as they are, being barely sufficient to meet the exigencies of the city.

5th.—That the Lord Bishop be, therefore, requested to apply to Earl Bathurst under the letter now laid before this board, for the sum of £2,500 sterling, that being a sum nearly equal to what has been paid, subscribed by the inhabitants of Kingston.

Vera Copiæ.

(Signed) B. O. WILLIAMS, C. C. C.

*A Specification of Carpenters, Masons, and Painters' Work required in building a Chapel, 65 Feet by 45 Feet, out and out.*

EXCAVATING and building the foundation three feet below the surface of the ground, and two feet above, three feet thick; the first story to be built of bricks thirteen feet high, two and a half feet thick; the second fifteen feet high, two feet thick, with brick cornices all round and parapet wall in front three feet high; the whole of the door and window frames to be built in with level jams, and built up with stock bricks with rub and gauge arches, plastering and white-washing, three coats. Building foundation for columns; filling up and paving the building with hard bricks; building foundation for three porticos to entrance, sixteen by twelve feet, with steps to the same, and paving with tiles.

*Carpenter's Work.*

Framing roof over all with beams, king-posts, principals, purloins and braces, plate and beams of hard wood; the remaining part of roof of pitch pine, close boarded with white pine, and shingled with best twenty-two inch cypress shingles, laying leaden gutter to front parapet.

Making three doors with fanlight doors of cedar, twelve feet by six feet out to out; making twenty-three sash-frames complete, nine feet high by four feet six inches, with circular tops; frames of pitch-pine and sashes of cedar; putting up thirteen turned columns of mahogany to support gallery; sills of gallery to be of hard wood; joisting and flooring of pitch-pine.

The whole of the pews to be of cedar, with turned ballustrades under hand-rails of gallery; the upper ceiling to be flat, and ceiled with cedar; joisting of pitch-pine; ceiling under gallery and porticos of cedar; erecting two stair-cases of pitch-pine; hand-rails and ballustrades of mahogany.

Erecting three porticos to entrances, with four turned hard-wood columns to each, to be flat and covered with lead, with fascia boards and cornice; joisting and ceiling the same; and furnishing a sufficient number of pitch-pine benches for the ground-floor.

The above building could be completed in nine months for the sum of £5,400, including painting the same with three coats of oil colour.

No. 4.

MY LORD,

*Spanish Town, Jamaica, October 14, 1826.*

I HAVE much satisfaction in announcing to your Lordship that three of the new chapels, built by voluntary contributions of money, labour, and materials, have been already consecrated. One called Harewood Chapel, in the parish of St. Thomas in the Vale, on the property of the Earl of Harewood, who has most liberally promoted the work, and two, St. David's and St. George's Chapels, in the districts of Carpenter's Mountains and Mile Galley, in the parish of Manchester; another called Providence Chapel, in the Carpenter's Mountains District, is nearly finished and ready for consecration. All these buildings are neat and substantial, well situated for the accommodation of the Slave population, and capable of containing from four hundred to five hundred persons. The proportions of Harewood Chapel are sixty feet by thirty: of the others, about fifty feet by twenty-six, thirteen feet high.

I enclose the Report of the Committee appointed by the Corporate Body of Kingston, with reference to the additional place of worship in that city, and to which I alluded in my last communication, and,

I have, &c.

(Signed) CHRISTOPHER, JAMAICA.

*The Right Hon. Earl Bathurst, K. G.*

&c.

&c.

&c.

YOUR Committee appointed to take into consideration the contingencies and ways and means of the city and parish, for the current year, have considered their Report, and taking into consideration the death of Mr. Wood, and the consequent effect upon the recovery from his estate, the large claim due to the public of this city, (although every disposition is evinced by his executors to facilitate an early adjustment), are now reluctantly compelled to propose an increase of the taxation recommended in their former Report, and beg to amend the same by adding fifty per cent. on the church and poor, and expunging the stock or trade. The attention of your Committee has been seriously drawn to the distresses of the burthened inhabitants, so apparent both in the decrease of all taxable property in this city, as in the state of the arrearage rolls, upon which considerable sums are uncollected, and, notwithstanding the order of your board to enforce payment, are not likely to be available for the present purposes. The very unfavourable aspect of affairs in this parish interposes insurmountable objections to an increased tax of such magnitude as would be occasioned by any kind of provision for erecting a chapel. Your Committee have therefore abstained from further burthens, but, on the contrary, feel themselves imperatively called upon to recommend to your board a reduction in the pay of the town guard immediately, and a

reduction (commensurate with the duties to be performed) in the salaries of your officers; such reduction to take place at the commencement of the ensuing year; and that, for obvious reasons, the scale should be fixed and made public at the earliest convenient day; your Committee finally recommend the sale of the premises purchased for a beef market.

(Signed)

T. L. YATES.  
JNO. FOWLES.  
B. J. WILLIAMS.

No. 5.

MY LORD,

*Spanish Town, November 9, 1826.*

I HAVE the pleasure to announce to your Lordship that much progress has lately been made in the establishment of Sunday and Parochial Schools. A liberal private subscription has been entered into for engrafting a school of industry on Buckford's Free School at Spanish Town, (the children to be instructed in trades after school hours), and a master has been engaged from the National School Society in England, to superintend it. I have also appointed a Catechist under the direction of the Rector to catechise the Slave population three days in a week.

With the consent of the Coporate Body at Kingston, a large public building has been appropriated for a day school for all descriptions of persons; a fund for the support of Sunday schools in Kingston, has also been established by voluntary subscription, by which upwards of three hundred children, of all classes, are receiving the benefit of religious instruction.

The vestries of the parishes of St. Elizabeth and Clarendon, have likewise voted a sum of money for schools for persons of free condition, which I consider a measure of much importance, as so many persons of that class have hitherto not had the means of obtaining instruction.

I have the honour to enclose a memorial from the Justices and Vestry of St. Thomas in the East, relative to the erection of a chapel in Blue Mountain Valley, a place every way calculated for that purpose.

Also the first report of the Branch Association of the Incorporated Society for Conversion, &c. of Negroes, by which it appears that upwards of two thousand children are receiving religious instruction in that parish, and three Catechists have been appointed there out of the funds of the above society; I can add my testimony to the principal facts stated in the memorial, and I beg leave to draw your Lordship's attention to it, from the great exertion which that parish has made in promoting these important objects.

I have, &c.

(Signed) CHRISTOPHER, JAMAICA.

*The Right Hon. Earl Bathurst, K. G.*

&c.      &c.      &c.

*To the Right Honourable the Earl Bathurst, K. G. &c. &c. &c. His Majesty's Principal Secretary of State for the Colonial Department.*

The most respectful Memorial of the Justices and Vestry of the Parish of St. Thomas in the East, in the Island of Jamaica,

*Sheweth,*

THAT the Parish of St. Thomas in the East, in the island of Jamaica, contains a Slave population of about twenty-five thousand souls.

That, for the religious instruction of so large a population, there are at present six places of religious worship, including those of every denomination of Christians, and capable of affording accommodation altogether to about three thousand persons.

That, in the erection of chapels, and other works connected with the dissemination of Christianity, through the medium of the Established Church,

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your Memorialists have, within a short period, expended a sum amounting to £6,000, and that their desire to contribute to the utmost of their ability towards the improvement of their Slave population, remains unabated.

That, owing to the vast depreciation in every article of colonial property and produce, and the consequent and unparalleled distress which now pervades this portion of the Empire, your Memorialists, notwithstanding the increasing demands, from a rapidly improving population, are no longer able to support the heavy expence incidental to the erection of additional places of religious worship, and unless timely aid be afforded them by His Majesty's Government, they must despair of seeing accomplished, to any considerable extent, that great National object—Negro instruction and civilization.

That, animated with an anxious desire to promote the happiness of their Slaves, your Memorialists, amidst the abounding distress, are still willing, as far as their means will allow, to contribute a fair proportion of the expence attending the erection of such additional places for religious worship as may be deemed sufficient to supply the existing necessities of their parish, provided His Majesty's Government, in consideration of the heavy expences already incurred for this specific purpose by your Memorialists, coupled with their present commercial distress, and the urgent claims of their Negroes, will be graciously pleased to afford them that reasonable aid which your Memorialists have been informed has already been extended, in some instances, to the neighbouring diocese of Barbadoes.

That, with a view to affording the means of religious instruction to the Negroes in a district of their parish, known by the name of Blue Mountain Valley, a district yet wholly destitute of a place of worship of any kind, and containing a Slave population of upwards of five thousand souls, exclusive of a very great number of the same description of persons resident on the borders of the adjacent parishes, and by whom the erection of such a building would have been hailed with the liveliest satisfaction, your Memorialists recently advertised for estimates for the completion of a plain substantial chapel capable of containing only about five hundred persons, but, from the very heavy demands, say £2,090 Jamaica currency, your Memorialists, from causes already explained, were, and still are, unable to carry the same into effect, although a sufficient quantity of land, through the benevolence of a private individual, has been legally conveyed to your Memorialists for this express design.

That your Memorialists, from the foregoing considerations, most humbly and respectfully solicit the aid of His Majesty's Government to enable them to meet the Spiritual wants of this numerous portion of their fellow parishioners, and further, they would earnestly entreat an explicit answer, first, as to the *conditions* on which they may hope for aid from His Majesty's Government; and secondly, as to what extent means will be afforded to those who may be anxious and ready to comply with such conditions.

That your Memorialists, confidently relying on the benevolence of His Majesty's Government, pledge themselves, if permitted, most faithfully to expend their bounty for the public good.

And, as in duty bound, shall ever pray. By order of Vestry,

FRED. HILL, Clerk of Vestry,

St. Thomas in the East, Jamaica,  
October 30, 1826.

St. Thomas in the East.

### No. 6.

*Extract from a Letter from Earl Bathurst, addressed to the Bishop of Jamaica, dated the 22d February 1827.*

I HAVE received your Lordship's despatch of the 6th of December last, and I approve of your having required the Clergymen who were holding island curacies in conjunction with their stipendiary appointments, to resign one or the other of those clerical offices, whereby the intention of Parliament will be fulfilled, of adding the number provided for by this country, to the number provided for by the colony.



## DIOCESE OF BARBADOES AND THE LEEWARD ISLANDS.

## No. 1.

MY LORD,

*Ottery St. Mary, 8th November 1825.*

IN further reply to your Lordship's letter of the 28th February last, in which you are pleased to call my attention to that part of the report upon the state of Anguilla, which relates to its deficiency of religious instruction, I have the honour to inform your Lordship that I visited that island, and had full opportunity of examining for myself, and conversing with the leading inhabitants on the subject.

There were formerly two places of public worship in the island, a church and a chapel, at some distance, overlooking the salt ponds, where the inhabitants periodically assemble for the purpose of gathering salt. The sites, both of the church and chapel, can easily be traced, and the tombs are still to be seen in their vicinity. At present there is neither church nor clergyman on the island, but both are greatly desired. Marriages and baptisms are generally performed by some clergyman from St. Kitts, who may happen to visit the island.

Of the feeling of the inhabitants, your Lordship will be enabled to judge from their addresses to me, of which I had the honour to send a copy to your Lordship; and I beg to extract the following passage from a letter which I received from Mr. J. Hay, one of the two representatives of the island.

"Your Lordship," he writes, "having come upon the Natives unawares, will have had full opportunity of viewing the nakedness of the land, and the primitive state of civilization among the inhabitants of this hitherto forlorn portion of the British Empire. Your Lordship I am aware will have seen enough to satisfy yourself that much, very much, remains to be done for these people, as well relating to their spiritual, as to their temporal welfare; and I augur, as one of the happiest events for their future prosperity, the benevolent objects of your Lordship's mission to this remote part of your diocese."

The measures which I proposed, included the re-erection of the church and chapel on the original sites, which were well selected; the erection of a parsonage-house, near to the church, for the residence of the clergyman; the provision of a clergyman, with two catechists under him, to be located, one in the vicinity of the church, and the other near the salt ponds, with schools similarly located under their care. Service would be performed by the clergyman at the chapel regularly once on the Sunday during the salt season, and at other times at the clergyman's discretion.

I requested to have a written statement what portion of the expence the island could bear; what prospect of contribution there was of labour and materials, and what sum of money would be required for the erection of the several buildings. A copy of their answer I have the honour of enclosing for your Lordship's information, and I have only, in conclusion, to recommend most earnestly the spiritual wants of the island of Anguilla to your Lordship's most favourable consideration, and to solicit from His Majesty's Government some pecuniary aid towards carrying the proposed measures into effect.

I have, &amp;c.

(Signed)

W. H., BARBADOES.

*The Right Hon. Earl Bathurst, K. G.*

&amp;c.

&amp;c.

&amp;c.

MAY IT PLEASE YOUR LORDSHIP,

*Anguilla, June 9, 1825.*

HAVING been this day convened for the purpose of ascertaining how far the present means and resources of the inhabitants of this island would enable them to contribute towards the erection of the two churches and the parsonage, as recommended by your Lordship on the occasion of your Lordship's late visit to this part of your diocese, we beg leave to say to your Lordship, that we cannot make an exact estimate at present of the amount that could be raised here for that purpose; but we are of opinion that £1,000 sterling might be contributed without much difficulty or inconvenience, particularly as a great part of that contribution would consist of lime, stone, and such other materials as might be procured in this island merely by the personal labour and industry of the inhabitants thereof. Such, in fact, is the zeal of our population generally, even of many of those who from necessity have attached themselves to the Methodist Society, established here to co-operate with your Lordship in promoting a respectable and adequate church establishment in this island; that, but for our restricted means, we candidly believe there would be no limit to the liberality of the public to the accomplishment of an object so indispensably necessary. There being very little specie in this island, any large sum in cash could not be raised here in the way of contribution; but our personal exertions in every other way in which it might be found necessary to contribute to the object in view we can confidently assure your Lordship will never fail or be wanting. To conclude, we think that, with the aid of about £1,500 sterling from the Mother Country, we should be able to complete the whole of the said buildings. We shall, however, set on foot a subscription immediately, and, from the result of it, we shall soon be able to ascertain more accurately the extent of our means, which we will take the earliest opportunity of communicating to your Lordship.

We remain, &amp;c.

(Signed) WM. RICHARDSON,  
Lieutenant Governor.

## No. 2.

*Extract from a Letter from the Bishop of Barbadoes to Earl Bathurst, dated 11th May 1826.*

AN Act of the Legislature has passed to raise the stipends of the parochial clergy from £300 Cy. to £500 Cy. payable, not as before, from the local Treasury and *the respective Vestries*, but from the Treasury *alone*.

Another Act has passed regulating the parochial fees; and three other Acts relative to the Slave population have passed, or are in progress, of which I hear favourably.

The building for the girls' school is nearly finished, and reflects highly to the credit of the island and the architect.

The foundations of the new church are laid very solidly, and a great mass of building materials collected, and the Committee wait only the encouragement and assistance of His Majesty's Government to resume, with their former vigour, the very important and necessary undertaking in which they are engaged.

## No. 3.

MY LORD,

*Barbadoes, July 3, 1826.*

I HAVE signed, and have now the honour of transmitting to your Lordship, the memorial of the Church Building Committee in the Island of Barbadoes, praying for pecuniary assistance from His Majesty's Government towards the erection of a new church in Bridge Town, and I have most earnestly to entreat your Lordship to be pleased to make such a representation of their case to the Lords Commissioners of His Majesty's Treasury as may obtain for the petitioners sufficient aid to complete so important a building.

The sums that have been voted within the last fifteen months for ecclesiastical purposes by this island have been very large. Towards the repair and enlargement of the parish churches and parsonage-houses and schools £12,000 currency; towards the increase of the stipends of the parochial clergy £2,200 Cy. a year, thus raising their livings from £300 Cy. to £500 Cy. a year, independent of the parsonage houses, which are kept in repair at the expence of the respective parishes. By private subscriptions, added to the local funds of the institution "of the Central Schools in Bridge Town," a building has been erected, and will be opened on the 1st of August next, for the reception, and board, clothing and education of poor white girls, at an expence of £2,000 Cy. and towards this institution the Legislature had for some years voted the sum of £800 Cy. and propose, I am informed, to raise this to £1,200 annually; thus providing for the rising generation of lower whites an education the benefits of which will not be confined to themselves. And now, in the present instance, when the necessity of an additional place of worship in the populous town of Bridge Town was placed before the inhabitants, and a certain degree of pecuniary aid held out from His Majesty's Government, the island, as your Lordship will perceive, from the accompanying memorial, have not been backward, but, in their public and private capacities, have contributed largely to so desirable an undertaking.

The estimated expence may appear great to your Lordship, but building of every kind is dear in this country; and, from the situation of the proposed church, in a town, and amid houses thickly built of wood and with shingled roofs, it was necessary that it should be large and substantial, though as plain as possible. I am led to hope that we shall find the expence, when the building is finished, to be within the estimate. Your Lordship may be assured that the utmost attention will be paid to economy, and every possible superintendence, as the work proceeds, given by the Members of the Committee.

I have had the honour of receiving your Lordship's letter of the 28th of April 1826, notifying the opinion of the Lords Commissioners of His Majesty's Treasury, that one half should be the maximum of contribution towards the erection of churches, schools, &c. in the West Indies; and requiring, before they determine upon the amount to be contributed in each case, that they should be furnished with all the particulars of such case, and especially with a statement of the means intended to be appropriated from other sources.

This communication of your Lordship's has been received in this island with very great satisfaction, and will, I have reason to think, lead to exertions fully answerable to your Lordship's expectations. In conformity with your Lordship's directions, contained in the conclusion of your communication, I have requested a memorial to be drawn up with the information required by the Lords of the Treasury, and have now to repeat my earnest entreaty that your Lordship will be pleased to transmit the memorial to their Lordships with such a representation from yourself, as such exertions on the part of the inhabitants of this island, in their public and private capacities, and so important a building may seem to your Lordship to deserve.

I have, &c.

(Signed)

W. H., BARBADOES.

*The Right Hon. Earl Bathurst, K. G.*

&c.

&c.

&c.

*To the Right Honourable the Lords Commissioners of His Majesty's Treasury.*

The humble Memorial of the Church Building Committee in the Island of Barbadoes,

*Sheweth,*

THAT the population of Bridge-Town, in the said Island of Barbadoes, having considerably increased for some years past, the same being now estimated at not fewer than twenty thousand inhabitants, it was thought advisable to erect another place of public worship, according to the Established Church.

That the Lord Bishop of the diocese, therefore, very shortly after his arrival in this island, perceiving the necessity of there being a second place



of public worship, called a meeting of the inhabitants to take the subject into consideration, and a meeting accordingly took place on the fourth day of May, in the year of our Lord one thousand eight hundred and twenty-five, when certain resolutions were entered into, a copy of which your memorialists beg leave to annex to this their memorial.

That, from the situation of the present church of Saint Michael (the same being at one extremity of Bridge-Town), and other causes, the new church was required to be built in a very substantial manner, capable of holding about fifteen hundred persons, with seats expressly appropriated for the coloured people (the whole of the galleries being set apart for that class of persons), and the building, in which great progress is made, is ninety feet long and sixty feet broad.

That the estimated cost and expence of the said new church amounts to about the sum of £15,648 1s. and 5d., towards which voluntary contributions have been raised amounting to the sum of £2,975 7s. 7d., and the Legislature of the island have granted £5,000 currency, and have also appointed your memorialists a committee to direct the erection of the said new church.

That, unless your memorialists are greatly assisted in promoting the object they have in view, they will be unable to finish the same.

Therefore your memorialists most respectfully beg leave to address your Lordships on the occasion, and to solicit that your Lordships will be pleased to grant them such assistance out of His Majesty's Treasury as to your Lordships shall seem meet and proper.

And your memorialists, as in duty bound, will ever pray, &c.

(Signed)

W. H., BARBADOES.  
JOHN A. BECKLES.  
WILLIAM GILL.  
EDW. ELLIOT.  
H. S. CUMMINS.  
G. JEMMETT.  
M. COULTHURST.  
W. GARNETT.  
W. EVERSLEY.

## BARBADOES.

At a Meeting of the Inhabitants of this Island, at the Temple, in Bridge Town, on Wednesday the 4th day of May 1825, pursuant to a public advertisement.

### PRESENT :

The Right Reverend the Lord Bishop in the Chair, supported by his Excellency Sir Henry Warde, K. C. B. Governor, &c. &c. &c.

THE Lord Bishop having opened the object of the meeting, and explained the necessity and expediency of erecting one or more places of public worship in the parish of St. Michael, and his Excellency the Governor having addressed the meeting fully on the subject, the following resolutions were severally proposed, carried and adopted, viz. :—

1.—Resolved, it is the opinion of this meeting that it is expedient that a second place of public worship be erected in Bridge Town, in the parish of St. Michael.

2.—Resolved, that his Excellency the Governor, and the Governor or Commander-in-Chief of this island for the time being, the Lord Bishop of the diocese for the time being, the President of His Majesty's Council, or the Senior Member of Council in the island for the time being, the Speaker of the House of Assembly for the time being, the two Representatives of the parish of St. Michael for the time being, and the Rector of the said parish of St. Michael for the time being, be Trustees; in whom, with the sanction of the Legislature, the site of the proposed building, and the building be vested.

3.—Resolved, that a fund be formed, to be called "The Church Building Fund," out of all monies obtained either by grant or subscriptions; and that contributions be also thankfully received in materials, workmanship, or labour.

4.—Resolved, that the following gentlemen, viz: the Lord Bishop, the Honourable John Alleyne Beckles, the Honourable Reme Hamden, the Honourable John Brathwaite, the Honourable Nathan Lucas, the Honourable and Reverend John Hamlet Gittens, the Honourable William Gill, the Honourable Robert Haynes, the Reverend William Garnett, Samuel Maxwell Hindes, Henry Stephen Cummins, Gabriel Jemmett, John Barrow, Matthew Coulthurst, James Dottin Maycock, William Oxley, William Eversley, Forster Clarke, and Alexander King, Esquires, or any five of them, be a Committee from time to time to conduct, manage and carry into effect the objects of this meeting, with power to the said Committee to appoint a Chairman.

5.—Resolved, that Messrs. Higginson, Deane and Stott be the Treasurers, and William Eversley, Esquire, the Secretary.

6.—Resolved, that the annual stipend of the minister, salaries of officers, repairs and other expences of the church, be raised and paid out of the rents of the pews and seats, and no part raised or paid by or out of any parochial tax or assessment.

7.—Resolved, that as soon as the sum of £5,000 sterling be obtained, the Committee be empowered forthwith to take measures for the erection of a plain, but large and substantial building in the old church yard.

8.—Resolved, that the Committee be empowered to call a general meeting of the subscribers from time to time, to report progress and take any further measures.

John Barrow, Esquire, then moved, and his motion being seconded by the Honourable Judge Beckles, it was,

9.—Resolved unanimously, that the thanks of this meeting be given to the Right Reverend the Lord Bishop of the diocese for his able conduct in the chair, and also to his Excellency the Governor for his condescension in attending on the occasion.

This day's proceedings were then directed to be published in all the Newspapers of the island, and the meeting then adjourned, *sine die*.

No. 4.

MY LORD,

Barbadoes, October 4, 1826.

I BEG most earnestly to recommend to your Lordship's most favourable consideration the enclosed petitions, for pecuniary aid towards the erection of places for public worship, from the islands of Antigua, St. Christopher, and Anguilla.

With respect to the last, I enclose two former letters, which I have had the honour of laying before your Lordship, and I most anxiously hope to be honoured with your Lordship's commands to return a favourable answer to the petitioners; without the aid of His Majesty's Government, the petitioners state their entire inability to carry into effect the objects which they contemplate; and I am assured that your Lordship will pardon my earnestness in saying, that it is of the utmost importance that this aid, to whatever extent it may please His Majesty's Government, should be granted as speedily as possible.

I am receiving continually the Catachetical returns, and I hope soon to have the honour of laying a full report before your Lordship.

I have, &c.

(Signed) W. H., BARBADOES.

The Right Hon. Earl Bathurst, K. G.

&c.

&c.

&c.

ANTIGUA.

The humble Petition of the Vestry of St. Phillip's Parish of the said Island, soliciting aid from His Majesty's Government towards the erection of a new Parish Church, addressed to the Honourable and Right Reverend the Lord Bishop of Barbadoes and the Leeward Islands.

May it please your Lordship,

WHEREAS the present parish church of St. Philip's, Antigua, is altogether Want of a new Church.

unfit, both in itself and its situation, for the purposes of Divine worship, being a small mean structure of wood, going fast to decay, and unworthy of being put in repair, situated also in so warm a site, at the foot of a very steep and dangerous hill, at one extremity of the parish, that the very situation is considered by the parishioners as an obstacle to their due attendance to Divine service.

Your petitioners have long been anxious to provide a more suitable church in a more convenient and eligible situation, but hitherto have been prevented through the want of means to erect a building at all answerable to their wishes, or to the sacred purposes for which it would be designed. Even now their hopes of accomplishing this most desirable and necessary object depend in a great measure upon the prospect of assistance held out to them by your Lordship from the liberality of His Majesty's Government;—for your petitioners beg leave to observe, that the general pressure upon their finances still continues undiminished, whilst recent calls upon the resources of the parish, for repairing and enlarging the parsonage house at a considerable expence, have rendered them still less able to contribute as they could wish to the erection of a new church. Under these circumstances, and being anxious to erect a church which would be of more than double the capacity of the present one, with the view of making better provision for the accommodation of the lower classes, whether free or Slaves, your petitioners hope they may venture to solicit aid to such an extent as shall enable them at length to accomplish an object so necessary and so much desired.

The expence of the proposed church, independently of the ground for its site, is calculated at £2,850 sterling, at the very least. Towards this expence they regret deeply that all they have already been able to furnish from local resources is £850, and that all they can undertake to add to this sum is £1,000.

The remaining £1,000 your petitioners hope they may be allowed through your Lordship's favourable recommendation of so urgent a case to solicit from the liberality of His Majesty's Government. In their anxiety to have a new church, and relying upon the prospect of assistance held out to them, the vestry of St. Philip's had already caused the work to be begun; the foundations have been in fact laid in a more central and very eligible situation contiguous to the parsonage house, and materials for the building provided; but further operations suspended for want of funds to complete them. Your petitioners will, therefore, look anxiously for a communication from your Lordship concerning the success of their petition, fully confiding in your concern for the spiritual welfare of their parish, and your readiness to promote an object calculated, under the Divine blessing, to be productive of the most beneficial results.

We have, &c.

(Signed) THOMAS PARRY, Rector.

RICH<sup>d</sup>. GARLAND, }  
JOHN FARR, } Church Wardens.

*To the Honourable and Right Reverend Father in God, William, Lord Bishop of Barbadoes and the Leeward Islands.*

The Memorial and Representation of the Vestry of the Parish of St. Paul, Capisterre, in the Island of St. Christopher,

*Respectfully sheweth,*

THAT your memorialists, desirous to attend to the suggestions of your Lordship, for the improvement of their parish church, have recently imported a set of marble tablets, a font, and books of registry, the cost thereof amounting to the sum of £230 sterling.

That since your Lordship's visit to this part of your diocese, the sum of £200 sterling has been expended by shingling, painting and white-washing the church.

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That to liquidate the sums of money above enumerated, together with the ordinary annual expences of the parish, a very onerous cash tax has been imposed on the parishioners (far exceeding the average of many preceding years) in addition to the sugar tax, for paying the Rector's annual stipend.

That for the defrayment of parochial expences, it is the practice sanctioned by law, to levy a poll-tax on the Slaves of the parishioners.

That the number of Slaves in this parish bears but a small proportion to those in the other parishes in this island respectively, and as the burthen of parochial expences falls exclusively on the Owners of Slaves, it is most oppressive in the parish of St. Paul, from the paucity of Slave Owners.

Your memorialists are induced to make this representation to your Lordship in consequence of their Rector (the Rev. J. H. Walmyn) having communicated to them your Lordship's desire that the parsonage-house in this parish should forthwith be repaired.

Your memorialists, therefore, further represent to your Lordship, that the parsonage-house is in such a ruinous state, that to render it a suitable residence for the Rector, by repairing it, is altogether impracticable, and that it is absolutely necessary to erect a new building on the old site.

That your memorialists have had an estimate prepared by a competent architect, shewing the quantity of lumber and other materials requisite for such an undertaking, together with the cost of workmanship, amounting in the whole to the sum of £1,000 sterling.

Your memorialists respectfully assure your Lordship, that the parishioners have severely felt the pressure of the tax recently imposed on them, and that their embarrassed circumstances render them totally incapable to sustain an additional parish rate to meet any portion of the sum of money required for carrying your Lordship's directions into effect.

Your memorialists, therefore, venture to appeal to the benevolent aid of your Lordship, and respectfully pray your Lordship to grant them the sum of £1,000 sterling, out of the fund placed at your Lordship's disposal by His Majesty's Government, to enable them to erect a parsonage-house in the parish of St. Paul, and your memorialists, as in duty bound, will ever pray,

(Signed) P. F. GRANT,  
CHAS. C. CAINES,  
WM. D. SHARRY,  
Rd. A. MERCER,  
STEWART S. DAVIS,  
WM. ANJ. MAILLARD, } Vestry Men.  
WM. PENNYFEATHER, Church-Warden.

*St. Paul's, Capisterre, August 28, 1826.*

*To the Right Honourable Earl Bathurst, K. G., one of His Majesty's Principal Secretaries of State, &c. &c. &c.*

The humble Petition of the Inhabitants of the Island of Anguilla,

*Sheweth,*

THAT your petitioners are grateful to your Lordship for the measures originating in the department of your Lordship, which tend so largely to advance the interests of this colony.

That your petitioners contemplate, with the most lively emotions of hope and joy, the advantages which, after a long and sad interruption, are held out to them of pastoral care under episcopal superintendence by the residence of a Minister of the Established Church among them.

That your petitioners deplore that the island does not possess a suitable place for the purposes of public worship, the two churches having been most

wantonly destroyed by an expedition from the island of Guàdaloupe, organized by the atrocious Victor Hugues in the year 1796.

That your petitioners are anxious, by every contribution within their means, to rebuild one or both of these churches for the benefit of their own immortal souls, and, as they humbly trust, to the glory of God; but that these means, under the privations to which your petitioners have been exposed, and under the actual exhaustion of the colony, are utterly inadequate to such pious purpose.

That your petitioners have not silver or gold, but that they will gladly contribute all that they can command for this object, and that they will undertake to provide lime, stones, and labour to the amount of £1,000 sterling. That it is expedient, in the first instance, to rebuild one of the churches on the site selected by the Right Reverend the Lord Bishop of the diocese, and that the estimated expence thereof, of a school-room at the Road-Bay, and of a suitable parsonage-house, amounts to the sum of £2,000 sterling.

That your petitioners appeal to the known benevolence of your Lordship to make such representation of their poverty, and of their hearty desire once more to be placed within the reach of religious influence, as may induce His Majesty's Government to extend its paternal spirit to them by giving the sum of £1,000 sterling in aid of the purpose hereinbefore mentioned.

And your petitioners beg leave, also, most respectfully to represent that the proposed buildings can only be erected at the estimate which is stated, by a permission for vessels of The United States of America to enter the port of Anguilla with the lumber that will be required; for, if it is to be obtained through the medium of a foreign island, the expence of it will be increased thirty or forty per cent. Your petitioners therefore humbly pray that the port of Road Bay, in this island, may be one of the free ports under the Act Geo. 4, c. — a measure which is not only called for by the present emergency, but which the destitute condition of the island, and its desire to meet the wishes of His Majesty's Government, in regard to its Slave population, most imperiously demand—a desire which, in regard to the article of food more especially, must be frustrated, unless the supplication of your petitioners be favourably received.

And your petitioners will ever pray.

On the behalf of the assembled white and free coloured inhabitants of the island of Anguilla, this 16th day of August 1826,

(Signed) BENJAMIN GUMBS.

SIR,

*Anguilla, 16th August 1826.*

I HAD the honour of receiving your letter of the 31st ultimo, from which I am happy to learn that the inhabitants of this island are about to receive religious instruction under the superintendence of the Established Church, and that the appointment of a clergyman for that important purpose has already been made by his Lordship the Bishop of this diocese.

In conformity with your suggestion I have the pleasure of enclosing a petition from the inhabitants, praying the assistance of His Majesty's Government in enabling them to erect a church, together with a parsonage-house and a school-room.

I have only to add, that, with regard to a catechist and clerk, there is no doubt that a person qualified to act in that capacity could be procured in this island.

I have, &c.

(Signed) BENJ. GUMBS, President.

*The Honourable the Rev. Daniel G. Davis.*

## No. 5.

*Extract from a Letter from the Bishop of Barbadoes to Earl Bathurst, dated Barbadoes, 31st October 1826.*

I LEFT this island on Friday evening the 3d of August last, and reached St. Vincent's early on the following morning; and, after a satisfactory adjustment with the Governor of the several matters that had led to my visit, and making other necessary arrangements on the Saturday, and taking part in the duties of the Sunday, I proceeded early on Monday morning to visit the whole of the western coast of the island, landing successively at Queen's Bay or Buccament, Layon, Barronalliè, and Chateau Belair, and taking steps for the establishing of schools and temporary places for Divine worship at the three latter, and directing service to be performed on alternate Sundays at the former, in a chapel already erected by Mr. Wilson, one of the Members for Yorkshire, and placed by his Attorney, Mr. Dalzel, at my service. I have great pleasure in informing your Lordship, from the last accounts received from St. Vincent's, that, through the indefatigable and judicious exertions of the Rev. Robert Holberton, aided by two catechists from this island, and a school-master at Layon and Chateau Belair, the whole of the western side of the island, including the parishes of St. Patrick and St. David, has been brought under regular religious instruction; and I am happy in being able to add further, that Mr. Holberton has been enabled to extend his care to the Charibs at the foot of the Souffriere; nine of their children had been baptized; the attendance of their children at school promised, and two of the Charib Chiefs had attended Divine service on the Sunday at Chateau Belair.

On Monday evening I returned to Kingston; and after being present on the Tuesday at the formation of a District Committee, of the Society for Promoting Christian Knowledge, and a Branch Association of the Society for the Religious Instruction of the Slave Population, in which I have to express my acknowledgements to the Governor for the effectual assistance which he was pleased to render by his personal influence, and liberal pecuniary subscription, I left St. Vincent's that evening for Barbadoes, but having to beat up against the wind, I did not reach this island till the Sunday evening following, though the distance between the two islands is scarcely more than eighty miles.

I have to apologize to your Lordship for this long detail, but I trust it will not prove uninteresting; and from the Legislative grant of £5,000 sterling, which has recently been voted in St. Vincent's, for the erection of churches and parsonage houses in that and the neighbouring island of Beguia, and the arrangements which I have since made for the supply of an additional clergyman and catechists, I have every reason to hope that I shall have the honour of making a very full and satisfactory report to your Lordship.

## No. 6.

SIR,

*Barbadoes, December 21, 1826.*

IT is with very great pleasure that I have the honour to acknowledge the receipt of your letter of the 19th of October last, together with a copy of a letter of the same date from the Lords Commissioners of His Majesty's Treasury, communicating the resolution of their Lordships to propose to Parliament a grant of £3,466 13s. 4d. sterling towards the erection of the new church in Bridge Town, and to place this sum, when granted, at the disposal of the Committee appointed by the Colonial Legislature to superintend the building of the church.

I shall have the honour of laying this communication officially before the Committee to-morrow, at their first meeting since my return from Demerara, and the receipt of your letter; and shall I doubt not be requested to express in strong terms, the very great satisfaction which they feel at this prompt and liberal reply of His Majesty's Government to their memorial of the 3d of July last.

I have, &amp;c.

R. W. Horton, Esq.  
&c. &c. &c.

(Signed) W. H., BARBADOES.

## No. 7.

*Extract of a Letter from the Bishop of Barbadoes to Earl Bathurst, dated St. Vincent, 27th January 1827.*

I HAVE great pleasure in informing your Lordship that I left Barbadoes a fortnight since, and have visited Tobago, Trinidad, Grenada, with its Leeward Coast, the Isle Blonde, Cariacou and Beguia, and am just arrived at St. Vincent's, and whilst I have been every where received with much personal kindness and respect, I have been much satisfied with the progress made in *the erection of churches and parsonage houses*,\* and more especially in the formation of schools in the chief towns of the several islands.

The Ecclesiastical state of the several islands I shall have the honour of presenting to your Lordship in detail on my return to Barbadoes. I purpose to stay in this island till Monday, and visit the Leeward Coast, under the Reverend Mr. Holberton to-morrow (Sunday), and proceed to St. Lucia, and from thence to Barbadoes.

Your Lordship will have the goodness to excuse these few lines, but it is the only *regular* opportunity by which I can write, till the arrival of the next island packet.

Your Lordship will be particularly glad to hear, that the feelings in Tobago towards myself and the measures which I proposed, were every thing which I could have wished, and that the system of Catechetical instruction is gaining ground in every island.

I have left a clergyman in Tobago, to take charge of that island.

## No. 8.

MY LORD,

*Downing-Street, March 7, 1827.*

I TRANSMIT to your Lordship, with reference to your despatch of the 4th October last, copies of a correspondence which has taken place between this Department and the Treasury on the subject of the petitions which your Lordship transmitted in behalf of the islands of Antigua, St. Christopher, and Anguilla, for aid in the erection of church buildings.

Your Lordship will perceive that the Lords Commissioners of the Treasury have consented to apply to Parliament for grants of £1,000 each, for the church buildings in Antigua and Anguilla, provided that plans of the buildings be transmitted to them; and that in the case of Antigua, your Lordship shall be enabled to certify, that the whole of the additional money necessary to complete the proposed building (which was stated at £1,850 sterling), has been raised in the colony. With respect to the case of Anguilla, I have to request that your Lordship will require a strict compliance with the engagement on the part of the inhabitants, upon the faith of which the grant was recommended, viz.: that the manual labour and such materials as the island affords be supplied by the inhabitants.

Your Lordship will observe, that it has been impossible at present to recommend a grant in favour of St. Christopher, as there is not yet any money raised by the inhabitants towards the erection of the proposed church buildings.

I have, &c.

*The Lord Bishop of Barbadoes.*

(Signed) BATHURST.

\* I allude to the new church in Grenada, the parsonage house in the Guare in the same island; the house for the clergyman purchased in Beguia, and the arrangements in contemplation for a church and school-house; and the expences incurred on the Leeward Coast of this island by the Local Legislature. I enter into this detail, lest the expression should mislead your Lordship.

SIR,

*Downing-Street, December 4, 1826.*

28th April 1826.

WITH reference to your letter of the date mentioned in the margin, in which you notified the conditions and the scale on which the Lords of the Treasury considered that aid should be granted from the funds of this country, towards the erection of church buildings, I am directed by Lord Bathurst to enclose, for their Lordship's favourable consideration, a despatch which has been received from the Bishop of Barbadoes, containing three petitions; one from Antigua, another from St. Christopher's, and a third from Anguilla. In the first of these the petitioners state the estimated expence of the church proposed to be built, to be £2,850 sterling. "They regret deeply that all they have already been able to furnish from local resources is £850, and all that they can undertake to add to this sum is £1,000." They, therefore, solicit the remaining £1,000 sterling, as a contribution from this country. In this case Lord Bathurst is desirous to recommend that the aid applied for should be granted whenever the petitioners shall have actually raised the additional sum of £1,000, and that the intention so to make the grant should be notified to them immediately, as it may facilitate the collection of what remains to be subscribed. With respect to the petition from St. Christopher's, although the petitioners specify sundry Ecclesiastical expences which have recently been provided for from local funds, yet as no money has been specially appropriated to the erection of the particular building for which they solicit £1,000 from His Majesty's Government, Lord Bathurst cannot undertake to recommend that any grant should be made at present.

With respect to the case of Anguilla, Lord Bathurst has already had occasion, in my letter of 11th November 1825, to bring to the notice of the Lords of the Treasury the destitute condition to which that island was reduced by a descent of the enemy during the war. Both the churches were destroyed, as well as the other public buildings, and a great part of the town. As the more respectable inhabitants were ruined, the public records burnt, the statutes themselves destroyed, and there were no means left of administering justice, the community continued without any political existence until lately, when the Assembly of St. Christopher's agreed to admit a representative from Anguilla, and to make laws for that island, on the express condition of exemption from any expences on its account. This measure was resorted to because it was known that heinous offences had been recently committed in the island with impunity, and the necessity was felt of establishing a Court of Judicature; towards the expences of this Court their Lordships were pleased to contribute £200 a year, on Lord Bathurst's representation, that the island was without money—credit, the circulating medium being stated at less than £500 amongst more than three thousand inhabitants. His Lordship, therefore, trusts that, on the same grounds, their Lordships will allow the case of Anguilla to form an exception from the rule of granting money for church buildings only in proportion as local funds are provided. The island is now without any place of worship, for the inhabitants, since the destruction of their property by the French forces, have never had the means to rebuild the two churches which were then destroyed. Their Lordships will perceive, however, that such a community is peculiarly in need both of religious instruction and of the controul and observation of some respectable resident; and Lord Bathurst, under all these circumstances, strongly recommends to their Lordships the grant of £1,000 sterling as solicited, and that it be placed at the disposal of the Bishop for the erection of a church, a parsonage house, and a school, with special directions strictly to exact the performance of the engagement on the part of the inhabitants to supply gratis their manual labour and such materials as the island affords.

I have, &c.

*W. Hill, Esq.*  
&c. &c. &c.

(Signed) R. W. HORTON.

SIR,

*Treasury-Chambers, March 3, 1827.*

HAVING laid before the Lords Commissioners of His Majesty's Treasury your letter of the 4th December 1826, transmitting the copy of a despatch



## BARBADOES AND THE LEEWARD ISLANDS.

from the Bishop of Barbadoes, containing three petitions, one from Antigua, another from St. Christopher's, and a third from Anguilla, respectively soliciting aid towards the expence of erecting church buildings in those islands; I am commanded to acquaint you, for the information of Earl Bathurst, that my Lords will be disposed to propose to Parliament that the sum of £1,000 should be granted towards the building a church at Antigua, when the Bishop of the diocese shall have certified that the whole of the remainder of the money necessary for the completion of the building has been raised, and also upon his transmitting a plan of the building.

With respect to the application from St. Christopher's, my Lords can give no directions, nor can they hold out any promises of aid hereafter, the inhabitants not having, by making a distinct promise for defraying a part of the proposed expence, put themselves in a condition to apply for any grant from this country, in conformity to their Lordship's letter of the 28th of April last.

With respect to the application for a grant towards building a church in the island of Anguilla, my Lords, taking into consideration the very destitute situation and poverty of this island, will submit to Parliament that a grant of £1,000 should be made for the erection of this building in that island; but they desire that the Bishop of the diocese may be instructed to transmit a plan of the proposed buildings previously to the commencement of the work, and that he may be informed that their Lordships will not advance more than £500 before the 5th of January 1828, and £500 between that time and the 5th of January 1829.

I have, &c.

(Signed) J. C. HERRIES.

R. Wilmot Horton, Esq.  
&c. &c. &c.

## No. 9.

MY LORD,

Barbadoes, 14th April 1827.

I HAVE the honour to acknowledge the receipt of your Lordship's letters of the annexed dates,\* and have forwarded by this mail-boat the necessary extracts from them to the several islands concerned.

I beg to express my best thanks to your Lordship and to His Majesty's Government, for the proposed grants to Antigua and Anguilla, and would still be permitted to express a hope that St. Christopher's will yet place itself in a condition to receive the benefit of similar assistance.

I shall not fail to take every care in my power that the requisitions contained in your Lordship's letters be most strictly complied with.

I have, &c.

(Signed) W. H., BARBADOES.

The Right Hon. Earl Bathurst, K. G.  
&c. &c. &c.

\* 7th March 1827. With letters from Mr. Horton to Mr. Hill, 4th December 1826. Mr. Hill to Mr. Horton, 3d March 1827.

## APPENDIX.

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### ST. CHRISTOPHER.

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MY LORD,

*St. Christopher, May 5, 1827.*

I HAVE deferred reporting to your Lordship, in conformity with your Lordship's desire in your letter dated the 21st of last May, in the hope that I should have had the satisfaction of announcing to your Lordship, that some progress had been made in carrying into effect the intentions of His Majesty's Government, with regard to the Slave population of the islands under my administration, and it is with considerable regret I have to acquaint your Lordship, that I have been lamentably disappointed in this reasonable expectation.

In my Letter, dated the 7th of October last, I have already had the honour of apprizing your Lordship, that Mr. Attorney-General Woodley had prepared four Amelioration Bills from the heads transmitted by your Lordship, and of their having been introduced into the House of Assembly at St. Christopher by Mr. Smith, one of The King's Counsel; the first for a Guardian or Protector of Slaves, on the 15th of September, and the three others on the following 6th of October, when they were read the first time, and ordered to be read the second time at the next meeting, which, by the Minutes of the House, did not take place.

I have been informed, that the House of Assembly would not adopt the Bill for the protection of Slaves, but proposed to appoint "a Committee of Protection," with a Secretary instead of a Protector or Guardian of Slaves; and directions were given to Mr. Attorney-General Woodley to prepare a Bill, which was done, read twice, and referred to a Committee; but on the 4th instant, when a proposal for its third reading was made, a motion was put and carried, that it be read the third time that day six months. With respect to the other Bills, I am not aware that any progress has been made in them.

The delay this important question has met with, and the result of the decision of the House of Assembly upon the first Bill your Lordship directed to be submitted to the House, will enable your Lordship to judge of the adverse disposition of the House of Assembly of this island to carry into effect the various provisions which His Majesty has directed to be brought before that branch of the Legislature.

### NEVIS.

In my letter, the 7th of October last, your Lordship was informed that eight amelioration Bills, prepared by Mr. Solicitor-General Forbes from drafts transmitted by your Lordship, were introduced into the House of Assembly at Nevis, by Mr. Peterson, on the 23d of last September, and I have since learnt that the first seven were sent up to the Board of Council on the 15th of last February, with the alterations and amendments made in them by the House of Assembly, after having been read twice, according to the usage observed between the two Branches of the Legislature.

The first Bill has been altered to "An Act for establishing and vesting in the Magistracy of the island of Nevis the Protection and Guardianship of Slaves, by which the Justices of the Peace are constituted jointly and severally public Protectors and Guardians of Slaves." A special Protector and Guardian of Slaves, as suggested by His Majesty's Government, was almost unanimously rejected.

On the 22d of the same month, the Board of Council came to a determination that the seven Amelioration Bills, which had been sent up at the previous meeting from the House of Assembly, should lie on the table for six months, a proceeding that speaks for itself, and will be conclusive to your Lordship of the sentiments of that Board on this subject.

With respect to the Virgin Islands, I have not yet received any intimation of the progress made in forwarding the views of His Majesty's Government, regarding the above Bills, other than that the subject is before the House of Assembly, but I trust it will be in my power to report upon it to your Lordship by the next mail.

I have, &c.

(Signed) CH. W. MAXWELL.

*The Right Hon. Earl Bathurst, K.G.*

&c.

&c.

&c.

## ST. VINCENT.

No. 1.

*Government-House, St. Vincent's,  
21st February 1827.*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 7th December last, requiring me to transmit full particulars of the manner in which the eight bills, received from the Colonial Department, relating to the amelioration of the condition of the Slaves in this colony, were brought forward in this House of Assembly, for the consideration of the Legislature.

In answer thereto I beg to observe, that, on the receipt of your Lordship's despatch, dated 21st May, accompanying those bills, I did consult with the Crown Officers, and after much anxious deliberation, it was deemed advisable to frame one bill, embracing severally and distinctly the suggestions of your Lordship; and I request a reference to the inclosed letter from those officers in explanation of the reasons which induced them to recommend a deviation from the instructions of your Lordship. I acquiesced in their opinion from local circumstances, but more particularly as I conceived the last communication from your Lordship on this subject, gave those Officers a greater latitude for the exercise of their discretion than is conveyed in the despatch of the 19th March preceding, but as your Lordship appears to have considered it absolutely necessary that the Assembly should have the bills separately before them, I lost no time in complying therewith, and have to report they are now separately and distinctly under consideration. I am sorry I cannot add any favourable opinion as to the ultimate decision thereon, fearing as I do (and my experience justifies the apprehension) that the three leading principles: protectorship of Slaves—punishment of females—and compulsory manumission—will not meet the approbation and concurrence of the Legislative Bodies.

The original bill prepared by the Crown Officers, which was laid before the House of Assembly, accompanies this despatch for your Lordship's information.

I have, &amp;c.

*The Right Hon. Earl Bathurst, K. G.* (Signed) C. BRISBANE.  
&c. &c. &c.

SIR,

*St. Vincent's, February 19, 1827.*

WE acknowledge the receipt of your Excellency's communication, with the enclosure, and beg to inform you that it was our advice and opinion that the eight bills should be consolidated into one, because they relate to one object—the amelioration of Slaves, and likewise, because they are dependent upon one leading principle—the appointment of a Protector of Slaves. The greatest errors in legislation have arisen from a multiplication of Acts, and there is now in progress a system of condensation which is absolutely necessary for understanding our laws.

With respect to the power which we assumed of consolidating *these* bills from eight into one, we beg to state that we did not act under Lord Bathurst's despatch of 19th March 1826, nor were the eight bills then in existence here, but under his Lordship's letter of the 21st May 1826, which accompanied the eight bills, we conceived we had full power "to prepare drafts of as many distinct bills as we might think best adapted to the giving full and complete effect to the wishes of His Majesty's Government, because we were supposed to possess, "the intimate and practical acquaintance with the laws of the island".

We have, &amp;c.

(Signed) J. R. DASENT.  
CHAS. SHEPHARD.

*His Excellency Rear-Admiral Sir C. Brisbane, K. C. B.*  
&c. &c. &c.

4 N

## No. 2.

MY LORD, *Government House, St. Vincent, 25th April 1827.*

I HAVE the honour to inform your Lordship, that, in conformity to your instructions, I directed Mr. Shephard, the Acting Solicitor General (being a Member of the Legislature) to introduce the eight Bills transmitted by your Lordship for the consideration of that body; and to report to me the proceedings thereon in the House of Assembly. I enclose that gentleman's communication for your Lordship's information.

The Legislature appears to be so fully convinced, that they have gone as far as prudence will allow, at present, respecting the improvement of the Slave population, that I cannot offer any hopes that the measures suggested by His Majesty's Government will be adopted, until the expiration of the present Slave Act, when the progressive improvement of the Slaves will probably admit of further benefits being conferred on them.

I have, &c.

(Signed) C. BRISBANE,

*The Right Hon. Earl Bathurst, K. G.*

&c.

&c.

&c.

SIR,

*St. Vincent, March 8, 1827.*

IN obedience to your Excellency's letter of the 15th of January, I introduced the eight Bills you forwarded me, separately, for the consideration of the House of Assembly, which came to a second reading on the 8th of March, and were separately committed and fully considered, but were thrown out on the third reading without a division.

The observations I have to offer, according to your Excellency's directions, are, that it appeared to me to be the unanimous opinion of the House that most of the ameliorations proposed had been already anticipated by our Slave Act, as far as it was prudent at present, but the office of a Protector of Slaves, the total abolition of female whipping, and the compulsory manumission, would not be adopted by the House.

I have, &c.

(Signed)

CHARLES SHEPHARD.

*Rear-Admiral Sir C. Brisbane,*

&c.

&c.

&c.

## No. 3.

SIR,

*Downing-Street, June 18, 1827.*

IN reply to your dispatch of the 21st February last, I am to observe that the construction put by the Law Officers of the colony under your Government, upon Lord Bathurst's dispatch of the 21st May 1826, though a natural construction if that dispatch alone were considered, could not be adopted in consistency with the dispatch of 19th March preceding. The discretion given to the Law Officers in the dispatch of May was merely to enable them to omit any bills of which the objects might have been already provided for by Acts of the Colonial Legislature, but was not intended to supersede the direction that so many of the bills as should be necessary to fulfil the wishes of Government, should be brought separately before the Assembly. The purpose of the direction was to bring the Assembly to divide upon each of the measures proposed.

I have the honour to be, &c.

*Rear Admiral Sir C. Brisbane, K. C. B.*

&c.

&c.

&c.

(Signed) GODERICH,





# Class A.

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## CORRESPONDENCE

WITH THE

## BRITISH COMMISSIONERS,

AT

SIERRA LEONE, THE HAVANNAH,

RIO DE JANEIRO, AND SURINAM,

RELATING TO

## THE SLAVE TRADE.

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1826—1827.

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*Presented to both Houses of Parliament, by Command of His Majesty,*  
1827.

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# Class A.

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## CORRESPONDENCE

WITH THE

## BRITISH COMMISSIONERS.

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### SIERRA LEONE. (*General.*)

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No. 1.

*J. T. Williams, Esq. to Mr. Secretary Canning.—(Received April 24.)*

SIR,

*Sierra Leone, January 28, 1826.*

I HAVE the honour to acquaint you that I arrived at this Place on the 5th instant, and that I lost no time in proceeding to make the requisite arrangements, previous to entering on the functions of the Office which His Most Gracious Majesty has been pleased to entrust to me.

On the 10th, I took the Oaths, in the form prescribed, before the Principal Magistrate, and in the presence of His Excellency Major-General Turner, and the Members of the several Mixed Commissions.

The various Despatches, of which I had the honour to be the hearer, were laid before His Majesty's Acting Commissioners, and, as they relate principally to circumstances of previous occurrence, I beg to refer you to their Despatches, for such information and explanation as may be deemed necessary.

I am given to understand, that some delay has taken place in transmitting the Reports of the Cases of several Vessels adjudicated. I am also aware that this has been mainly owing to the multifarious duties which have occupied, and still continue to occupy, the time and attention of His Excellency the Governor, in carrying into effect matters which are highly important to the present interest, and which materially concern the future prosperity, of this Colony. Some difficulty has also arisen from the absence and sickness of Clerks attached to the Commissioners.

I purpose having the honour again to address you in a few days, and to communicate such information as I have been able to acquire on the present state of the Slave-trade.

I am duly impressed, Sir, with the great importance of the Trust which has been reposed in me; and it shall be my endeavour to prove, by the most strict and conscientious attention to the performance of the duties of my Office, rather than by any present professions, how very anxious I am to merit your approbation, and how highly I value the Charge which has been confided to me.

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

*The Right Hon. George Canning,*  
 &c.      &c.      &c.

B

## No. 2.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, May 6, 1826.

I HEREWITH transmit to you, for your information, four Copies of Papers, marked A. and B., relative to the Slave-trade, which have been presented to both Houses of Parliament by His Majesty's Command, in the course of the present Session.

I am, &amp;c.

(Signed)

GEORGE CANNING.

*His Majesty's Commissioners.*

## No. 3.

*J. T. Williams, Esq. to Mr. Secretary Canning.—(Received May 22.)*

SIR,

Sierra Leone, February 28, 1826.

I HAVE the honour to enclose herewith, the Copy of a Letter addressed to me by the Commissioners of West African Enquiry, together with Copies of my Reply, and of the Documents with which they were furnished, in accordance with their Application.

I have the honour to be, &amp;c.

(Signed)

JOHN TASKER WILLIAMS.

*The Right Hon. George Canning,*  
 &c.                      &c.                      &c.

## First Enclosure in No. 3.

*Commissioners of West African Enquiry to J. T. Williams, Esq.*

SIR,

Sierra Leone, February 14, 1826.

WE request the favour of you to direct that we may be furnished, from the Records of the Mixed Commission Court, with a Statement shewing the number of Slaves (whether men, women, or children) captured; the number adjudicated; and the number condemned at Sierra Leone, in each year; from the earliest period for which the same can be made out.

We have the honour to be, &amp;c.

*J. T. Williams, Esq.*

(Signed)

JAMES ROWAN.

HENRY WELLINGTON.

## Second Enclosure in No. 3.

*J. T. Williams, Esq. to the Commissioners of West African Enquiry.*

GENTLEMEN,

Sierra Leone, February 15, 1826.

I HAVE to acknowledge the receipt of your Letter of yesterday's date, and in reply beg to acquaint you, that I have instructed the Registrar of the Courts of Mixed Commission to furnish you, as early as possible, with the Documents which you require.

I have the honour to be, &amp;c.

(Signed)

J. T. WILLIAMS.

*Major James Rowan, and Henry Wellington, Esq.*

## Third Enclosure (A) in No. 3.

*W. Smith, Esq. to the Commissioners of West African Enquiry.*

GENTLEMEN,

Sierra Leone, February 23, 1826.

IN accordance with the directions of His Majesty's Judge of the Mixed Commissions, established at this Place for the prevention of the illicit Traffick in Slaves, I have the honour herewith to send you a Return of the number of Slaves captured, emancipated, and registered, with such other particulars concerning them, as appear by the Records in my Office, from the Establishment of the Courts of Mixed Commission up to the 6th day of February 1826, that being the date of the adjudication of the last Vessel.

I have the honour to be, &amp;c.

(Signed)

WILLIAM SMITH.

*Major James Rowan, and Henry Wellington, Esq.*

Third Enclosure (B.) in No. 3.

*List of Vessels Adjudicated in the Court of the British and Netherlands Mixed Commission, shewing the Number of Slaves Captured, Emancipated and Registered, from its Establishment to the 6th Day of February 1826.*

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condemnation of the Vessel, and of the Emancipation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.
		Latitude.	Longitude.						Men	Women	Boys	GIRLS	
Virginia .....	Oct. 10, 1819	5. 20. N	9. 0. W	H. M. B. Thistle	Robert Hagan ..	Nov. 15, 1819	32	"	7	8	13	4	Total in the Year 1819.
Eliza .....	Oct. 9, —	5. 35. N.	9. 0. W.	H. M. B. Thistle....	Robert Hagan ..	Nov. 25, —	1	"	1	"	"	"	
							33	"	8	8	13	4	Total in the Year 1819.
Maria .....	Jan. 30, 1820	In the Rio Pongos.		H. M. S. Tartar....	Sir G. R. Collier...	Feb. 15, 1820	2	"	"	"	2	"	Total in the Year 1820.
Aurora .....	Oct. 23, 1822	7. 2. N	11. 37. W.	H. M. S. Cyrene....	Percy Grace....	Nov. 9, 1822	180	2	43	22	74	39	Total in the Year 1822.
Bey .....	May 19, 1825	Off River Gallinas.		H. M. S. Maidstone	Charles Bullen..	June 29, 1825	"	"	"	"	"	"	These 4 Vessels had no Slaves on board, but were condemned under the Additional Article to the Treaty of the 4th of May 1819, between His Majesty and His Majesty The King of the Netherlands, signed at Brussels 25th January 1823.
Z .....	July 31, —	3. 30. N.	6. 0. E.	H. M. S. Maidstone .	Charles Bullen..	Sept. 9, —	"	"	"	"	"	"	
Venus .....	Sept. 1, —	4. 12. N	5. 53. E	H. M. S. Atholl ....	James A. Murray	Oct. 21, —	"	"	"	"	"	"	
Hoop .....	Jan. 3, 1826	Between River Gallinas and Manna.		H. M. S. Maidstone .	Charles Bullen..	Jan. 23, 1826	"	"	"	"	"	"	
Amable Claudina .....	Nov. 12, 1825	Off Elmina Castle.		H. M. S. Atholl ....	James A. Murray	Feb. 6, —	34	"	"	"	"	"	These Slaves having been put on board this Vessel at the instance of the Captors, by the Natives of Little Elmina, near Popo, the Court could not decree their emancipation. They were, as in other cases of similar nature, delivered over to the Colonial Government.

(Continued.)



## Third Enclosure (B.) in No. 3, continued.

## List of Vessels Adjudicated in the Court of the British and Spanish Mixed Commission, shewing the Number of Slaves Captured, Emancipated and Registered, from its Establishment to the 6th Day of February 1826.

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condemnation of the Vessel, and of the Emancipation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.
		Latitude.	Longitude.						Men	Women	Boys	Girls	Total
Neustra Señora de Regla.	Aug. 10, 1819	4. 43. N	9. 3. W	H. M. S. Morgiana	C. B. Strong	Sept. 13, 1819	1	"	1	"	"	"	1
Fabiana	Sept. 18, —	4. 10. N	7. 52. W	H. M. S. Morgiana	C. B. Strong	Oct. 7, 1819	13	"	12	"	"	1	13
Junietta	Sept. 30, —	5. 39. N	1. 21. E	H. M. B. Snapper	J. Henderson	Nov. 12, —	9	"	7	"	2	"	9
Esperanza	Dec. 10, —	5. 49. N	9. 57. W	H. M. S. Morgiana	C. B. Strong	Dec. 27, —	40	1	10	12	14	3	39
							63	1	30	12	16	4	62
Total in the Year 1819.													
Neustra Señora de Nieves	Dec. 11, 1819	7. 0. N	12. 0. W	H. M. S. Morgiana	J. Nash	Jan. 3, 1820	122	1	25	24	42	30	121
Francisco	Jan. 30, 1820	0. 10. N	0. 4. W	H. M. S. Tartar	Sir G. R. Collier	Feb. 8, —	69	"	53	6	8	2	69
Gazetta	March 2, —	5. 0. N	10. 10. W	H. M. S. Tartar	Sir G. R. Collier	March 18, —	81	"	27	13	21	20	81
Neustra Señora de Monserrate	Oct. 16, —	6. 3. N	10. 55. W	H. M. B. Thistle	Robert Hagan	Nov. 2, —	84	"	11	3	50	19	83
							356	1	116	46	121	71	354
Total in the Year 1820.													
Anna Maria	March 23, 1821	4. 26. N	Off the River Bonny	{ H. M. S. Tartar & { H. M. B. Thistle	Sir G. R. Collier and Lieut. Hagan	May 16, 1821	491	90	191	81	73	55	401
La Caridad	Sept. 4, —	River Bonny, Bight of Biafra		H. M. S. Myrmidon	H. J. Leeke	Nov. 7, —	153	17	60	15	25	36	136
La Nueva Virgen	Sept. 7, —	River Bonny, Bight of Biafra		H. M. S. Myrmidon	H. J. Leeke	Nov. 7, —	140	34	56	14	11	25	106
							784	141	307	110	109	116	643
Total in the Year 1821.													
Rosalía	Jan. 11, 1822	River Pongos.		H. M. B. Thistle	Lieut. R. Hagan	Jan. 31, 1822	60	"	41	10	5	3	59
Joseph	Feb. 26, —	7. 0. N. 10. 30. W		H. M. S. Iphigenia	Sir R. Mends	June 18, —	"	"	"	"	"	"	"

{ One man died after emancipation, but before his description could be taken to be registered.

{ One man died after emancipation, but before his description could be taken to be registered.

{ This Vessel had no Slaves on board, but was condemned for being engaged in the illicit Traffic in Slaves.

(Continued.)

## SIERRA LEONE. (General.)

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## Third Enclosure (B.) in No. 3, continued.

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel captured.	NAME of COMMANDER.	Date of the Condem- nation of the Ves- sel, and of the Emancipation of the Slaves.	Number of Slaves Captured	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.	
Dichosa Es- trella ....	April 1, 1822	Off Cape Mesurado		H. M. S. Morgiana ..	Chris. Knight ..	June 18, 1822	29	"	10	9	6	4	29
Vecua .....	April 15, —	4. 22. N.	7. 22. E.	H. M. S. Iphigenia and H. M. S. Myrmidon	Sir R. Mends and H. J. Leeke	June 25, —	325	108	114	38	42	23	217
Ycanam .....	April 15, —	4. 22. N.	7. 22. E.	H. M. S. Iphigenia and H. M. S. Myrmidon	Sir R. Mends and H. J. Leeke	June 25, —	380	368	6	1	2	3	12
Josefa .....	August 19, —	3. 0. N.	6. 35. E.	H. M. S. Driver ....	Thomas Wolrige	October 5, —	216	33	183	"	"	"	183
San Raphael	August 27, —	6. 19. N.	2. 26. E.	H. M. S. Bann ....	Charles Phillips	"	1010	509	354	58	55	33	509
Maria La Luz	July 3, 1823	4. 24. N.	7. 11. E.	H. M. S. Owen Glen- dower	Sir R. Mends ..	Sept. 8, 1823	184	1	"	"	"	"	183
							184	1	"	"	"	"	183

This Vessel was upset off the Mouth of this Harbour in a violent tornado, and all the Slaves on board, excepting the 12 emancipated and registered, perished.

Total in the Year 1822.

This Vessel was not condemned, but no Claimant appearing, the Court decreed the sale of the same on the 17th June 1823, and that the proceeds thereof should be lodged in the Registry to await further proceedings in this Case.

These Slaves were emancipated by decree of the Court, but could not be registered here, they having been landed and delivered over to the Commanding Officer at Cape-Castle on the 6th August 1823, in consequence of their very debilitated state.

Total in the Year 1823.

(Continued.)

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## Third Enclosure (B.) in No. 3, continued.

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel captured.	NAME of COMMANDER.	Date of the Condem- nation of the Ves- sel, and of the Emancipation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.	
Concheta....	June 13, 1823	4.31. N.	8.38. E	H. M. S. Owen Glen- dower	Sir R. Mends ..	"	"	"	"	"	"	"	This Vessel was not condemned, but the Court decreed the sale of the said Vessel and cargo, as perishable articles, on the 9th February 1824, and the proceeds thereof were ordered to be paid into the Registry.
Fabiana .....	Sept. 14, —	4.28. N.	7.21. E.	H. M. S. Owen Glen- dower	Sir R. Mends ..	Oct. 11, 1824	118	"	"	"	"	"	The Court decreed that the Slaves which were brought in for adjudication in this Vessel were not entitled to be emancipated, they were however delivered over to the Colonial Government.
Espanola .....	March 7, 1825	5.21. N.	13.13. W.	H. M. S. Atholl .....	James A. Murray	March 29, 1825	270	"	75	32	93	70	Total in the Year 1824.
Segunda Gal- lega .....	Sept. 29, —	6.13. N.	3.18. E.	H. M. S. Maidstone	Charles Bullen ..	Nov. 23, —	285	11	123	15	114	22	Total in the Year 1825.
Clara .....	Nov. 4, —	5.15. N.	10.10. W.	H. M. S. Brazen....	George W. Willes	Nov. 23, —	36	"	12	9	9	6	
Teresa .....	Oct. 6, —	In Old Calabar River.		H. M. S. Redwing ..	Douglas C. Cla- vering	Jan. 3, 1826	197	191	6	"	"	"	This Vessel was upset in a tor- nado in the Bight of Benin, and only 6 Slaves were saved.
Ana .....	Oct. 11, —	3.50. N.	9.2. E.	H. M. S. Redwing ..	Douglas C. Cla- vering	Jan. 3, —	193	68	56	22	40	18	The Court decreed that the Slaves, to the number of 228, were not entitled to emancipation, they were, however, delivered over to the Colonial Government.
Ninfa Haba- nera .....	Nov. 7, —	Off Accra.		M. M. S. Brazen....	George W. Willes	Jan. 3, —	231	3	"	"	"	"	
							626	262	56	22	40	18	(Continued.)

Third Enclosure (B.) in No. 3, continued.

*List of Vessels Adjudicated in the Court of the British and Portuguese Mixed Commission, shewing the Number of Slaves Captured, Emancipated and Registered, from its Establishment to the 6th Day of February 1826.*

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condem- nation of the Ves- sel, and of the Emancipation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.	
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.		Total.
Nova Felici- dade.....	July 30, 1819	2.23. N.	9.50. E.	H. M. S. Pheasant ..	B. M. Kelly....	Feb. 24, 1820	71	"	17	11	20	23	71	{ These Slaves were emancipated but not registered.
Cintra .....	Oct. 26, —	6.29 N.	11.12. W.	H. M. S. Morgiana..	C. B. Strong...	June 3, —	26	"	7	4	9	6	26	
St. Salvador ..	Jan. 25, 1820	Off River Manna.		H. M. S. Myrmidon ..	H. J. Leeke....	Liberated June 19, 1820	"	"	"	"	"	"	"	
							97	"	24	15	29	29	97	Total in the Year 1820.
Donna Euge- nia .....	March 23, 1821	River Bonny.	4 26. N.	H. M. S. Tartar and Thistle	Sir G. R. Collier and Lieut Hagar	May 19, 1821	83	5	29	17	8	24	78	
Constantia ...	April 9, —	4.32. N.	8.34. E.	H. M. S. Tartar and Thistle	Sir G. R. Collier and Lieut. Hagar	June 5, —	244	90	51	33	32	38	154	
Gaviao .....	April 9, —	River of Old Calabar.		H. M. S. Tartar and Thistle	Sir G. R. Collier and Lieut. Hagar	Liberated July 5, 1821	"	"	"	"	"	"	"	
Adelaide .....	July 25, —	4.15. N.	0. 0. E.	H. M. S. Pheasant and Myrmidon	B. M. Kelly and H. J. Leeke	Sept. 17, 1821	232	24	116	42	40	9	207	{ One man died after emancipation, but before his description could be taken to be registered.
Conceição ...	August 2, —	River of Old Calabar.		H. M. B. Snapper ..	Lieut. C. Knight	Sept. 26, —	56	2	22	5	11	16	54	
							615	121	218	97	91	87	493	Total in the Year 1821.

(Continued.)

(Continued.)

## Third Enclosure (B.) in No. 3, continued.

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condem- nation of the Ves- sel, and of the Emancipation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.	
El Conde de Villa Flor.	Feb. 21, 1822	1.47. N	R. Bissau	H. M. S. Iphigenia ..	Sir R. Mends ..	March 13, 1822	172	1	70	46	25	30	171
Esperança ...	April 15, —	6.27. N.	3.52. E.	H. M. S. Morgiana ..	C. Knight .....	June 8, —	149	2	102	14	29	2	147
Des de Fevreiro	April 1, —	5.16. N.	0.10.30. W.	H. M. S. Iphigenia ..	Sir R. Mends ..	June 22, —	10	"	2	2	3	3	10
Esperanza Fe- lis .....	April 7, —	6.20. N.	4.12. E.	H. M. S. Iphigenia and Myrmidon	Sir R. Mends and H. J. Leeke	July 4, —	187	102	36	28	8	13	85
Defensora ...	April 27, —	4.31. N	8.37. E.	H. M. S. Myrmidon ..	H. J. Leeke ...	July 4, —	100	20	20	25	20	15	80
Estrella .....	June 29, —	5. 1. N	5.20. E	H. M. B. Thistle, ...	Lieut. R. Hagan	August 6, —	296	4	207	85	"	"	292
Nymfa del Mar	April 6, —	6.17. N.	2.55. E.	H. M. S. Iphigenia ..	Sir R. Mends ...	August 28, —	2	"	2	"	"	"	2
St José Hal- lam .....	June 23, —	4.40. N.		H. M. B. Thistle ..	Lieut. R. Hagan	August 28, —	20	3	13	4	"	"	17
Commerciante	Sept. 7, —	River Cameroons		H. M. S. Driver .....	Thomas Wolrige	Dec. 7, —	179	12	85	82	"	"	167
St. Antonio de Lisboa .....	October 6, —	5.35. N	3.40. E.	H. M. S. Bann ....	Charles Phillips	Dec. 23, —	336	19	197	116	4	"	317
Juliana da Pra- ça .....	Oct. 31, —	5.43. N.	3.17. E.	H. M. S. Bann ....	Charles Phillips	Dec. 30, —	112	13	76	23	"	"	99
							1563	176	810	425	89	63	1387

Total in the Year 1822.

(Continued.)



## Third Enclosure (B.) in No. 3, continued.

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condemnation of the Vessel, and of the Emancipation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.				REMARKS.
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.	
Conceição ...	Nov. 13, 1822	Off the Island of St. Thomas.		H. M. S. Bann ....	Charles Phillips	Jan. 13, 1823	207	9	109	88	1	"	19
Magdalena da Praça .....	Sept. 29, —	1. 9. N	7. 54. E.	H. M. S. Bann ....	Charles Phillips	Jan. 23, —	33	"	32	1	"	"	33
Nova Sorte ...	Oct. 14, —	6. 5. N	1. 25. E	H. M. S. Snapper ..	Lieut. T. H. Rothery	Liberated Feb. 5, 1823	122	"	"	"	"	"	"
Sinceridade ...	Dec. 3, —	0. 80. S.	5. 26. W	H. M. S. Bann ....	Charles Phillips	Liberated Feb 13, 1823	124	"	"	"	"	"	"
							486	9	141	89	1	"	23
							Total in the Year 1823.						
Bom Caminho	March 10, 1824	1. 42. N.	3. 23. E	H. M. S. Bann ....	G. Woolcombe	May 15, 1824	334	7	196	50	63	18	327
Maria Piquena	May 8, —	About 4 or 5 miles distant from the Harbour of Port Antonio Princes.		H. M. S. Victor ....	John Scott ....	July 14, —	11	"	5	"	6	"	11
Diana .....	August 11, —	2. 15. N.	5. 13. E.	H. M. S. Victor ....	G. Woolcombe	Nov. 15, —	143	29	45	21	27	21	114
Dos Amigos Brasileiros	Sept. 18, —	1. 40. N	6. 8. E	H. M. S. Victor ....	G. Woolcombe	Nov. 15, —	260	9	184	37	23	7	251
Avizo .....	Sept. 26, —	1. 33. N	7. 7. E.	H. M. S. Mailstone	C. Bullen, C.B.	Nov. 19, —	465	41	222	102	66	34	424
							1213	86	652	185	210	80	1127
							Total in the Year 1824.						

(Continued.)

} These two Vessels were liberated by decrees of the Court on the days herein-mentioned, the Slaves however were landed and delivered over to the Colonial Government, but not emancipated or registered.

## Third Enclosure (B.) in No. 3, continued.

NAME of VESSEL.	Date of Capture.	Where Captured.		By what Vessel Captured.	NAME of COMMANDER.	Date of the Condem- nation of the Ves- sel, and of the Emancipation of the Slaves.	Number of Slaves Captured.	Number died before Adjudication.	Number Emancipated and Registered.					REMARKS.
		Latitude.	Longitude.						Men.	Women.	Boys.	Girls.	Total.	
Bella Eliza...	Oct. 23, 1824	2.21. N.	5.42. E	H. M. S. Bann ....	G. W. C. Courte- nay .....	Jan. 31, 1825	371	12	161	49	79	70	359	Thirty-five died after emancipation, but before the description could be taken to be registered, owing to the wretched state of disease they were in when landed, arising from dysentery and small-pox.  Total in the Year 1825.
Bom Fim ...	Jan. 14, 1825	2.20. N.	5.31. E	H. M. B. Swinger ..	Lieut. E. S. Clerk- son .....	March 19, —	149	4	40	44	41	21	146	
Bom Jesus dos Navi- gantes ...	July 17, —	4. 0. N.	4. 4. E	H. M. S. Esk .....	W. J. Purchas ..	Sept. 14, —	280	14	104	76	54	32	266	
Uniao .....	Sept. 9, —	2 23. N.	4.17. E	H. M. S. Atholl ....	J. A. Murray ...	Nov. 4, —	361	112	108	21	54	31	214	
							1161	142	413	190	228	154	985	
Paqueta da Ba- hia .....	Nov. 22, —	5.15. N.	0.30. E.	H. M. B. Swinger ..	Lieut. J. C. Giles Jan.	10, 1826	386	1	147	104	77	57	385	

## No. 4.

*J. T. Williams, Esq. to Mr. Secretary Canning.—(Received May 22.)*

SIR,

*Sierra Leone, March 10, 1826.*

NOTWITHSTANDING the acknowledged zeal, vigilance and activity, of His Majesty's Squadron on this Coast, and the unremitting assiduity of its Officers in the performance of their duty, to endeavour to check the illicit Traffick in Slaves; and, although His Majesty's Ships have lately captured more Vessels concerned in the prosecution of this detestable Trade, in a shorter space of time than, I believe, at any former period, since the establishment of the Courts of Mixed Commission: still, and it is with a feeling of painful regret I state it, no great diminution appears to have been the consequence—it is still most flourishing.

Of sixteen Vessels taken during the last nine months, seven had taken their Cargoes from Lagos, three from the River Calabar, two from Popo, and Parts adjacent thereto, all which Places are deep in the Bights of Benin and Biafra; and one from a Place called Manna, on the Windward Coast, and about 260 miles to leeward of this Colony: the *Dutch* Vessels "*Z*" and "*La Venus*," were bound to the River Bonny, and the "*Bey*" intended taking her Cargo on board from the Gallinas.

It would, therefore, appear evident from these facts, that the Rivers in the Bights of Benin and Biafra, form the principal sources of this Trade; and which is carried on to a great extent under the Flags of *Spain, France, Brazil* and *Holland*; the latter, in most cases, being made the cover of *French* property.

Whilst Miscreants, so engaged, continue to foster by its means the worst feelings of the Native Africans, by so powerfully exciting their cupidity, it cannot be expected that any permanent, or extensive good, can be effected in ameliorating their condition, or extending the blessings of civilization. It is, however, amidst all this evil, matter of congratulation, that in the neighbourhood of this Colony, there exists little, if any, remains of the Slave-trade. The River Sherbro' was, at one period, a principal Emporium for Slaves; but the policy of the late much-lamented Governor, Major-General Turner, gave a deep, and I hope, a death-blow to any further proceedings of that nature there.

The Havannah is the only Port from which Vessels under the *Spanish* Flag clear out for Africa. Whether from the just remonstrances of the British Government, or otherwise, they now clear out, under the pretence of legitimate Commerce, for the Islands of St. Thomas and Princes; which Islands, from their contiguity to the Bights of Benin and Biafra, greatly facilitate the carrying their real object, that of Slaving, into effect.

It has also come to my knowledge, that such Vessels as get off the Coast with safety, land their Slaves at the back of the Island, and then return into the Port of the Havannah in ballast.

Bahia is the principal Port from which Vessels under the *Brazilian* Flag are cleared out for a Slaving-voyage to Molembo; but, in every Case which has of late come before the Court of Mixed Commission for adjudication, it has been most satisfactorily proved, that their Cargoes had been shipped from Lagos: false Logs, and Journals of their Voyages being regularly made out, as if from the Port they swear they came from, and this, of necessity, induces a system of prevarication, and of the grossest perjury.

The vigilance and activity of our Cruizers have been the means of making the Slavers extremely cautious in their proceedings. Until the day of departure, although every preparation for the reception of their Victims is made, not a Slave is embarked; and when that does take place, it is distressing to reflect on the number which is thus taken on board. The poor Wretches may literally be said to be stowed in bulk. The consequence is, (either from contagious disease getting among them, or the length of time



before they arrive at their Place of destination, the Brazilian Vessels being generally very dull sailers,) that the number of deaths which occur, and the squalid, diseased and deplorable state of the Survivors, when landed, are shocking to humanity.

I purpose making the Cases under the *Netherlands* Flag, the subject of a Separate Despatch.

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

*The Right Hon. George Canning,*  
&c. &c. &c.

### No. 5.

*G. Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)*

SIR,

*Sierra Leone, November 10, 1825.*

IN consequence of the protracted illness of one Clerk, and the resignation of another, we were deprived of assistance during a period of three Months, and by the departure of one of these Individuals on leave to England, the Commissioners' Office was left without a Writer.

We were, therefore, induced to remove Mr. Bidwell from his Situation of First Clerk of the Registry, to do duty under the Commissioners, with leave to draw the full Salary of Second Writer; and we also engaged a young Gentleman (Mr. Bouverie) who had lately arrived from England as another Writer, with the half Salary of the First.

We sincerely hope, Sir, that these temporary arrangements will meet with your entire approbation.

I have the honour to be, &c.

(Signed) G. RENDALL.

*The Right Hon. George Canning,*  
&c. &c. &c.

### No. 6.

*G. Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)*

SIR,

*Sierra Leone, January 10, 1826.*

I HAVE the honour to enclose, herewith, Abstracts of the Proceedings in the several Courts of Mixed Commission established in this Colony, during the last Year.

There were three Cases adjudicated under the British and *Spanish* Mixed Commission, all of them deemed Cases for condemnation, and the number of Slaves emancipated amount to 579.

The number of Cases adjudicated under the British and *Portuguese* Mixed Commission was four, all which were condemned, and the number of Slaves emancipated amount to 1020.

There were three Cases adjudicated in the British and *Netherlands* Mixed Court of Justice; no Slaves were on board any of them at the time of capture; but (falling under the several designations in the Additional Article to the Treaty signed at Brussels, the 25th of January, 1823) the Vessels and their Cargoes were condemned.

The total number of Cases adjudged during the past Year will thus be found to be 10, and the number of Slaves emancipated 1599.

I have the honour to be, &c.

(Signed) G. RENDALL.

*The Right Hon. George Canning,*  
&c. &c. &c.

## First Enclosure in No. 6.

*Abstract of Proceedings under the British and Spanish Mixed Commission at Sierra Leone, from the 1st of January 1825, to the 1st of January 1826.*

(No. 1.)—The Schooner "*Espanola*," under Spanish Colours, Francisco Ramon Roderiguez, Master, was captured by His Majesty's Ship "*Atholl*," commanded by Captain James A. Murray, off the River Gallinas, on the 7th of March 1825, in Latitude 5. 21. North, and Longitude 13. 13. West, with 270 Slaves on board.

Part of the outward-bound Cargo of this Vessel was purchased at Charleston, viz. Tobacco, to the amount of 1200 dollars.

This Vessel was condemned on the 19th of March 1825, and her Slaves were emancipated on the same day.

(No. 2.)—The "*Segunda Gallega*," sailing under Spanish Colours, was captured by His Majesty's Ship "*Maidstone*," Commodore Bullen, C. B., on the 29th of September 1825, in Latitude 6. 13. North, and Longitude 3. 18. East, with 25 Slaves on board.

The Court condemned this Vessel and emancipated her Slaves on the 23d of November 1825.

(No. 3.)—His Majesty's Ship "*Brazen*," commanded by Captain Willes, detained the Schooner "*Clara*," otherwise "*Clarita*," Joze Morano, Master, sailing under Spanish Colours, off Cape Mesurado, in Latitude 5. 15. North, and Longitude 10. 30. West, on the 4th of November 1825, with 36 Slaves on board. These were emancipated, and the Vessel condemned on the 23d of November 1825.

(Signed)

GEO. RENDALL.

## Second Enclosure in No. 6.

*Abstract of Proceedings under the British and Portuguese Mixed Commission at Sierra Leone, from the 1st of January 1825, to the 1st of January 1826.*

(No. 1.)—The Schooner "*Bella Eliza*," under Brazilian Colours, Placido Joze de Maio, Master, was captured by His Majesty's Ship "*Bann*," G. W. C. Courtenay, Esq., Commander, on the 23d of November 1824, in Latitude 2. 2. North, and Longitude 5. 42. East, with 371 Slaves on board (being three more than allowed by Passport,) 12 of whom died on their passage up to this Place. She was furnished with a Royal Passport from the Provisional Government at Bahia, dated the 21st of June 1824, authorising a Slave-trading voyage to Molembo.

The Master declared that he took the Slaves on board at Northern Molembo, and when desired to shew that Place upon the Chart, pointed to the Western Bank of the River Lagos, in Latitude 6. 10. North.

This Vessel was condemned, and her Slaves emancipated on the 31st of January 1825.

(No. 2.)—The Schooner "*Bom Fim*," sailing under Brazilian Colours, and commanded by Joaquim Joze de Britto Lima, was captured by His Majesty's Brig "*Swinger*," Lieutenant Edward Stewart Clarkson, Commander, on the 14th of January 1825, in Latitude 2. 20. North, and Longitude 5. 31. East, with 149 Slaves on board, 3 of whom died previous to adjudication.

This Vessel was furnished with a Royal Passport, dated at Bahia, the 23d of August 1824, authorising a Slave-trading voyage to Molembo.

The Master acknowledged having shipped the Slaves in Latitude 6. 16. North, and Longitude 3. 10. East.

The Vessel was condemned, and the Slaves emancipated on the 19th of March 1825.

(No. 3.)—On the 17th of July 1825, in Latitude 4. 0. North, and Longitude 4. 4. East, His Majesty's Ship "*Esk*," W. J. Purchas, Esq. Commander, detained the Sumaca "*Bom Jesus dos Navegantes*," sailing under the Brazilian Flag, Joao Perciro, Master, with 280 Slaves on board, (73 more than allowed by Passport) 13 of whom died on their passage up to Sierra Leone.

The Royal Passport given at Bahia, the 21st of January 1825, allowed this Vessel to trade for Slaves at the Ports of Molembo, with liberty to call at the Costa da Mina.

This Vessel was condemned, and the Slaves emancipated on the 14th of September 1825.

(No. 4.)—The Brazilian Schooner "*Uniao*," Jozé Ramos Gomis, Master, arrived here on the 21st of October last, detained by His Majesty's Ship "*Atholl*," Captain Murray, (His Majesty's Ships "*Esk*" and "*Redwing*" in company) on the 9th of September 1825, in Latitude 2. 33. North, and Longitude 4. 17. East, with 361 Slaves on board (being 66 more than allowed by Passport,) 112 of whom died on their passage up to this Place.

This Vessel was furnished with a Royal Passport, dated at Bahia, the 14th of July 1825, authorising a Slave-trading voyage to the Ports of Molembo.

The Master stated that he shipped the Slaves from the River Lagos.

The Vessel was condemned, and the Slaves emancipated on the 4th of November 1825.

(Signed)

GEO. RENDALL.

## Third Enclosure in No. 6.

*Abstract of Proceedings in the British and Netherlands Mixed Court of Justice at Sierra Leone, from the 1st of January 1825, to the 1st of January 1826.*

(No. 1.)—The Schooner "*Bey*" was captured by His Majesty's Ship "*Maidstone*," Commodore Bullen, C. B., on the 19th of May 1825, off the River Gallinas, sailing under the Netherlands Flag, and commanded by William Woodside having no Slaves on board, but falling under the several designations in the Additional Article to the Treaty signed at Brussels, the 25th of January 1823.

This Vessel was condemned on the 29th of June 1825.

(No. 2.)—The Brig "*Z*," sailing under Dutch Colours, and commanded by Denis Kere Derne, was captured off the River Andony or Sombrero, on the 31st of July 1825, by His Majesty's Ship "*Maidstone*," Commodore Bullen, C. B. having no Slaves on board, but falling under the several designations contained in the Additional Article to the Treaty, signed at Brussels, the 25th of January 1823.

The proof of illicit Traffick being clear, the Judges condemned the Vessel and Cargo on the 9th of September 1825.

(No. 3.)—On the 1st of September 1825, His Majesty's Ship "*Atholl*," Captain Murray, captured the Netherlands Schooner "*La Venus*," in Latitude 4. 12. North, and Longitude 5. 33. East, not having any Slaves on board, but falling under the several designations contained in the Additional Article to the Treaty signed at Brussels, the 25th of January 1823.

This Case was so exactly similar to those of the "*Bey*" and "*Z*," that the Judges, without hesitation, condemned the Vessel and Cargo on the 1st of November 1825.

(Signed) GEO. RENDALL.

## No. 7.

*G. Rendall, Esq. to Mr. Secretary-Canning.—(Received June 2.)*

SIR,

*Sierra Leone, January 12, 1826.*

I HAVE the honour to acquaint you that Mr. John Tasker Williams arrived in this Colony on the 5th instant, and having produced the Commission of His Most Gracious Majesty, appointing him Commissary Judge at Sierra Leone, under the Treaties with Foreign Powers for the suppression of illegal Slave-trade, we had the pleasure of introducing that Gentleman to the Portuguese and Netherlands Commissioners, as well as to the Local Authorities; and, upon the 10th instant, the several Courts of Mixed Commission were duly opened, wherein the prescribed Oaths of Office were administered by the Principal Magistrate of the Place, (Mr. Acting Chief Justice Rendall,) to Mr. Williams, who was then regularly installed as His Majesty's Commissary Judge.

The Archives of the Correspondence of the Commissioners at Sierra Leone will be delivered up to Mr. Williams at the earliest moment after the Proceedings of the Commissioners, *ad interim*, are duly recorded.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) GEO. RENDALL.

## No. 8.

*J. T. Williams, Esq. to Mr. Secretary Canning.—(Received July 12.)*

SIR,

*Sierra Leone, March 30, 1826.*

WITH reference to my Despatch of the 10th of March, on the subject of the Slave-trade, generally, I now beg to enclose, as tending to corroborate

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some of the statements therein made, Copy of a List, given to me by Captain Willes, of Vessels boarded by His Majesty's Ship "Brazen," during her late cruize.

The "*Feliz Africano*,"—(the slaves for which were said to be ready for embarkation, at the moment that might appear most favourable), is fitted for the reception of 670 human beings.

The "*Prince of Guinea*"—(during the last visit of the "Brazen" at "Whydah," this Vessel had just arrived there from America for De Souza, or Cacha as he is called on the Coast), a fine Brig, pierced for 16 guns, carrying a long 24-pounder on a pivot, and six smaller guns at the side; she was supposed to be better constructed for sailing than any Vessel out of America—entirely new. The Master of her stated, that De Souza had given him a very considerable sum of money to build her, fit her out, and load her; her Cargo was landing when the "Brazen" left.—The Master further stated, that she was going to Bahia with palm-oil, for the purpose of changing her Papers, when he would leave her. Captain Willes observed, that he did not suppose any Ship-of-War on the Coast could come up with her, and that there would, therefore, be but little chance of taking her, when she commences Slaving, (for which purpose she is declared to have been purchased and fitted,) unless during a calm, with Boats.—She will not take less than from 500 to 600 Slaves.

The "*Activo*"—(the last Vessel on this List), was detained and sent here for adjudication by His Majesty's Ship "Atholl."

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

The Right Hon. George Canning,  
&c. &c. &c.

#### Enclosure in No. 8.

#### Vessels boarded by His Majesty's Ship "Brazen."

"*BARBARITA*"—Schooner, 65 tons, 19 men, 1 gun, P. Blanco, Master and Owner, from Havannah, fitted for slaves; boarded by the "Brazen," off Quitta, 20th November 1825.

"*Magico*"—Brigantine, 180 tons, 35 men, 5 guns, Luza, Master, from Havannah; boarded off Whydah, 24th November 1825; fully fitted for slaves.

"*Eliza*"—Schooner, 85 tons, 25 men, from Saint Thomas, under Portuguese Colours, fitted for slaves; boarded off Whydah, 24th November.

"*Feliz Africano*"—Brig, 227 tons, 25 men, 2 guns, Antonio José Gabao, Master, from Bahia, under Brazilian Colours; boarded off Whydah, 24th November, slaves ready to embark, left her at Whydah early in February.

"*Bienfaisant*"—Brigantine, 69 tons, 12 men, Luzet, Master, from Rochelle, under French Colours; boarded off Whydah, 24th November, supposed to be Slaving.

"*Alliance dos Nagoens*"—Brig, 16 men, Luiz de Sylva, Master, from Bahia, under Brazilian Colours; boarded off Whydah, likely to take in her slaves at Little Elmina or Popo; boarded again off Whydah, 24th November; again at Little Elmina, 3d February.

"*Carlota*"—Brigantine, 176 tons, 30 men, 4 guns, José da Costa, Master, from Bahia, under Brazilian Colours; boarded 1st December, likely to take in slaves at Whydah.

"*Nova Brillante*"—Brig, 260 tons, 20 men, 2 guns, Antonio Alvo de Silva Porto, Master, from Bahia, under Brazilian Colours; boarded by the "Brazen," off Badagry, 28th December.

"*Prince of Guinea*"—Brig, 260 tons, 17 men, 5 guns, from Philadelphia, under American Colours; Cargo said to be bought by De Souza, at Whydah; boarded there 30th December.

"*L'Entrepreneante*"—Brig, 216 tons, 18 men, 2 guns, from Bordeaux, Gassris, Master, under French Colours; Cargo consigned to De Souza; boarded at Whydah 31st January.

"*St. Juan*"—Ketch, 49 tons, 18 men, 2 guns, Manl. Dos Santos De Costa, Master, under Brazilian Colours, with a Passport to carry 125 slaves from Molembó; boarded off Ningo, 3d February.

"*Caridade*"—Ketch, 106 tons, 21½ men, 2 guns, José de Santa Tarara, Master, under Brazilian Colours; fitted for slaves; boarded to windward of Accra, 5th February.

"*Activo*"—Brig, 149 tons, 21 men, José Pinto, Master, under Brazilian Colours; boarded the 17th November, off Accra, and seen between Badagry and Porto Novo early in February.

## No. 9.

*J. T. Williams, Esq. to Mr. Secretary Canning.—(Received July 12.)*

SIR,

*Sierra Leone, April 5, 1826.*

I HAVE very considerable pleasure in communicating to you the return to this Place, on the 1st instant, by the Government Steam Vessel "African," of his Honour D. M. Hamilton, Chief Judge of this Colony.

Mr. Hamilton immediately resumed his functions, as His Majesty's Commissioner of Arbitration, in the Courts of Mixed Commission, and of Justice, a circumstance which is to me most satisfactory, for several reasons, but particularly from the value I attach to the assistance; which his experience will enable him to afford me, in Cases of doubt or difficulty.

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

*The Right Hon. George Canning,  
&c. &c. &c.*

## No. 10.

*Mr. Secretary Canning to J. T. Williams, Esq.*

SIR,

*Foreign Office, July 21, 1826.*

I HAVE received your Despatch of the 5th of April, reporting that Mr. Hamilton had arrived at Sierra Leone, and had taken upon himself the functions of His Majesty's Commissioner of Arbitration.

I am glad to take this opportunity of expressing my approbation of the diligence, zeal, and good sense which you have shewn in the execution of your duties, during the time in which you have acted as His Majesty's Commissary Judge at Sierra Leone.

I am, &c.

*J. T. Williams, Esq.*

(Signed)

GEORGE CANNING.

## No. 11.

*His Majesty's Commissioners to Mr. Secretary Canning.—  
(Received Sept. 2.)*

(Extract.)

*Sierra Leone, May 20, 1826.*

WE have been honoured with your Despatch of the 23d of February, enclosing a Communication from the Admiralty, with several Letters and Enclosures from Vice-Admiral Sir Lawrence Halsted, relative to the "arrival at Cuba of a Spanish Vessel, reported to have re-captured, on the Coast of Africa, two Vessels concerned in the Slave-trade, which Vessels have been detained by a British Cruizer, and were on their way to Sierra Leone for adjudication."

We instituted immediate enquiry, in order to gain any information that might assist in elucidating this transaction.

The only Vessel that we could ascertain to be missing, was the Spanish Brigantine "*Isabella*," detained by His Majesty's Ship "*Redwing*," Captain Clavering, in Old Calabar River, at the same time (6th October 1825), as the Spanish Schooners "*Teresa*" and "*Ana*." With the melancholy fate of the "*Teresa*," you have already been acquainted, and the Cases of both Vessels have been communicated to you by His Majesty's late Acting Commissioners, in their Despatches of the 10th of January 1826, marked "Spain."

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A few loose Papers were lodged in the Registry by Lieutenant Card, the Officer who boarded the "Isabella," the material ones having been conveyed away when the Vessel was deserted; and, as he had left Sierra Leone, no further information could be obtained: we were, therefore, of necessity obliged to defer our enquiries until the return of Captain Clavering.

The "Redwing" having returned to Sierra Leone from a Cruise, a Letter was addressed to Captain Clavering on the 4th of May on this subject; we received his Reply on the 13th, and of which we enclose a Copy.

Captain Clavering was also requested to furnish us with a List of the Officers and crew placed by him on board the "Isabella." A Copy of this Document we also beg leave to enclose for your information, and it is but justice to this excellent Officer to observe, that the number appears fully adequate to the duty.

Two Vessels are mentioned in Vice-Admiral Halsted's Letter to the Admiralty, but our enquiries have been fruitless as to any other than the "Isabella." It is, however, notorious, that a most nefarious system is pursued on the Coast of Africa by Vessels under the Flag of *Spain*.

One of their practices, as we have been given to understand, is to lay in wait for other Slave-vessels, take possession when their lading is completed, and transfer their cargoes.

It has come to our knowledge that the *Netherlands* Schooner "La Venus," (condemned as Prize to His Majesty's Ship "Atholl," Captain Murray,) was detained on her passage to Sierra Leone, by a Brig and Schooner off the Island of St. Thomas, on the 9th of September 1825.

We had no opportunity of conferring with the Party in charge of the *Netherlands* Schooner; but we have understood that, previous to boarding "La Venus," the Brig telegraphed to the Schooner, when she hoisted a red Ensign and pendant, bore up and fired a gun, shotted, at "La Venus;" "La Venus" then hoisted Dutch Colours, (not having any English on board,) the Schooner then shewed Spanish Colours, and again fired; "La Venus" then hove to, and Mr. Hodder, whose charge she was under, was then obliged to go on board the Schooner, where he was detained two hours, and improperly treated. During this time the Brig closed, and the Prize Master was removed from the Schooner on board of her. At noon Mr. Hodder was allowed to return, but with positive orders to keep between the Brig and Schooner. In the night they separated. The Brig was called by the Captain the "Don Pedro," pierced for 22, but mounted only 16 or 18, guns, with a complement of 88 men; painted black, with a white ribbon, sliding gunter royal masts, and had on board, he believes, 600 Slaves. The men on board wanted the Captain to take "La Venus," to which he would not agree.

The Schooner had 2 top-sails, 4 small guns, and a long one a midships on a pivot; does not recollect how she was painted; both Vessels were bound to the Havannah.

Another, and a very recent, instance has occurred. The "*Netuno*," a *Brazilian* Brigantine, detained by His Majesty's Ship "Esk," Captain Purchas, arrived here on the 2d instant, having had a rencontre on her passage with one of these Piratical Spanish Vessels, in which the Prize Master, Mr. Crawford, appears to have acted with a great degree of spirit and firmness.

(Signed)

JOHN TASKER WILLIAMS.  
D. M. HAMILTON.

The Right Hon. George Canning,  
&c. &c. &c.

First Enclosure in No. 11.

*Captain Clavering to J. T. Williams, Esq.*

Sir,

*His Majesty's Sloop "Redwing," Sierra Leone, May 13, 1826.*

IN compliance with your request, I readily proceed to give such information as I am possessed of relative to the Spanish Brigantine "*Isabella*," detained by His Majesty's Ship under my command in October last, which Vessel has been missing since the day of her parting company for Sierra Leone, to which Port she was ordered for adjudication.

On the 5th of October 1825, the Boats were dispatched up the Old Calabar River in quest of Vessels concerned in illegally carrying on the Slave-trade. At day-light, on the 6th, a Schooner and a Brigantine were discovered coming down the River under sail, to whom the Boats immediately gave chase; on nearing them, both hoisted Spanish Colours; the headmost (the Schooner) wearing a broad pendant, opened a fire on the Boats, which was instantly returned, and, after a short contest of about a quarter of an hour, the Boats succeeded in closing, boarding, and carrying the Schooner. The Crew of the Brigantine, seeing the fate of their comrade, took to their Boats, and escaped amongst the Mangrove Bushes, carrying with them also the Papers of the Vessel. From this circumstance we only know of her being called the "*Isabella*," from the verbal Communication of the Captain, Francisco Granelle, and the Crew of the "*Theresa*," who had no hesitation in acknowledging that she was a Spaniard, belonging to Saint Jago de Cuba. This was further corroborated by some loose Letters found on board the Spanish Schooner "*Anna*," being No. 14 of the Papers deposited in that Case in the Mixed Commission Court at Sierra Leone, which, if necessary to be produced, may be obtained at that Court.

At the time of capture the "*Isabella*" had on board 273 Slaves, and the "*Theresa*" 248. The very crowded state of the former induced me to remove 50 of them into this Ship, which were afterwards put on board the "*Anna*," another Spanish Schooner, which arrived in safety, and was condemned at this Port.

As the fate of the "*Theresa*" is too well known, having been lost in a tornado, I shall confine myself to stating, that the "*Isabella*" parted company on the 9th October for Sierra Leone, officered and manned as per accompanying List, which I trust will be found sufficiently ample to prosecute such further enquiries as may lead to the detection of this most abominable piracy. Since the above period she has never been heard of.

From an attentive perusal of the Letters transmitted by Vice-Admiral Sir Lawrence Halsted to the Lords Commissioners of the Admiralty, I cannot but strongly suspect, that the Brigantine therein mentioned, and called the "*Jaxnita*," is the identical "*Isabella*," with the circumstances only of her name changed, as the date of her arrival, the 29th of November, corresponds but too well with the time she would have taken to perform that voyage, namely, a period of fifty-one days. The non-appearance of the Officers and men leads me also to the melancholy and distressing conclusion, that they must have been brought to an untimely end.

Having now given all the information that has come to my knowledge, I have only to add, that no official Report was made of her loss when I was last in Port, as it was then still within the bounds of possibility that she might arrive.

I have the honour to be, &amp;c.

*John Tasker Williams, Esq.*

(Signed)

D. C. CLAVERING.

P. S. Of the other Vessel, a Brig mentioned in Sir Lawrence Halsted's Letter, I know nothing further than that she could not be a Prize to any of His Majesty's Squadron on this Station, as no Portuguese Vessel had been detained at that time by the Squadron.

(Signed)

D. C. C.

Second Enclosure in No. 11.

*List of Officers, Crew and Prisoners, sent on board the Spanish Brigantine "Isabella," of 196 Tons, on the 7th October 1835, from His Majesty's Ship "Redoubt," to navigate her to Sierra Leone.*

NAMES.	Quality.	Stature.		Complexion.	Marks or Scars.	Native of.	Trade or Profession.	Hair.	Eyes.	REMARKS.
		Feet.	In.							
Mr. Charles Reynolds Jackson	Admiralty } Mate									Mr. Jackson and Mr. Fitzmaurice were two excellent and steady Officers, both had passed their examinations for Lieutenants, the former about 5 years, and the latter about 2.
Mr. James Harman Fitzmaurice	Mate } Assistant-Surgeon									
Mr. James Stewart										
George Smith	Able.....	36								Mr. Stewart, the Assistant-Surgeon, was sent on board, from an apprehension that the Slaves would become sickly from their very crowded state, as two or three cases of ophthalmia had already appeared, and which was another reason for my removing 50 of them into the Redwing. 5 of whom died of that disease on board.
George Hill	Able.....	32								
William Lewis	Able.....	19								
William Edging	Ordinary.....	21								The Crew, including Kroomen, amounted in the total to 12, being all, without exception, very good and effective men.
William Johnson	Able.....	21								
John Lock	Ordinary.....	19								
Richard Brown	Able.....	21								The four Spaniards sent in her, belonged to the "Theresa," and were aided for the purpose of taking care of and managing the Slaves, a duty our people were wholly inexperienced in, from our recent arrival on the Coast.
Henry Lewis	Boy, 1st Class	18								
Alfred Nave	Private Marine	22								
Robert Beales	Private Marine	19								
Tom Freeman	Kroo Man									
Jackey Crew	Kroo Man									
Augustin Enas										
Manuel Alvaris										
St. Jago Costa										
José Latéhay										

(Signed)

D. C. CLAVERING, Commander.



## No. 12.

*D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Oct. 17.)*

SIR,

*Sierra Leone, August 7, 1826.*

I HAVE the honour to acknowledge the receipt of your Letter of the 6th of May last, transmitting, for the information of Mr. Williams and myself, four Copies of Papers, marked A. and B, relative to the Slave-trade, which have been presented to both Houses of Parliament in the course of the present Year.

I have the honour to be, &amp;c.

(Signed) D. M. HAMILTON.

*The Right Hon. George Canning,*  
 &c. &c. &c.

## No. 13.

*D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Oct. 17.)*

SIR,

*Sierra Leone, August 12, 1826.*

WITH the deepest sorrow I perform the melancholy duty of communicating to you the loss of my much valued and esteemed Friend and Colleague, Mr. Williams, His Majesty's Commissary Judge, whose death took place the day before yesterday, after his suffering, under a lingering illness, for upwards of three Weeks.

During the short period of the residence of Mr. Williams in this Place, his mild manners and amiable disposition obtained him the friendship of all who knew him, and his loss has proved a source of universal regret.

By the death of Mr. Williams His Majesty has been deprived of the services of a most valuable and zealous Officer, who was always anxious for the proper discharge of the duties of the Office, with which His Majesty had been graciously pleased to entrust him.

Mr. Smart, His Majesty's Advocate, who is at present administering the Government of the Colony, this day, in the presence of the Chief Justice, took the Oaths prescribed by the Act, intituled, "An Act to amend and consolidate the Laws relating to the abolition of the Slave-trade," and entered on the duties of the Office of Commissary Judge to the several Commissions established in this Colony for the prevention of illicit Slave-trade.

I have the honour to be, &amp;c.

(Signed) D. M. HAMILTON.

*The Right Hon. George Canning,*  
 &c. &c. &c.

## No. 14.

*D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Nov. 2.)*

SIR,

*Sierra Leone, August 28, 1826.*

IN my Despatch of the 12th instant, I had the honour to inform you that, on that day, Mr. Smart, His Majesty's Colonial Advocate, who was then in the Administration of the Government of the Colony, had taken the Oaths required, and entered on the duties of the Office of Commissary Judge, *ad interim*, in the several Courts of Mixed Commission established at this Place, for the prevention of illicit Traffick in Slaves, in the room of Mr. Williams, deceased.

I now, Sir, beg leave to inform you that, on the 22d instant, Major-General Sir Neil Campbell arrived here from England with a Commission under the Great Seal, appointing him Captain-General and Governor-in Chief over this Colony and its Dependencies; and he has, in pursuance thereof, assumed the Colonial Government, but has not yet taken upon himself the Office of Commissary Judge, nor do I think it probable he will during his present stay here, as he purposes in a few days proceeding to Cape Coast:—even were he installed in the Office, he could not possibly, during the short interval he intends remaining in the Colony, be expected to pay any attention to the concerns of the Courts of Mixed Commission.

Whether the General means to leave the Colony, during his absence, as has been heretofore the case, without any Commander-in-Chief, or whether he intends to take upon himself to appoint a Lieutenant-Governor, is a matter as yet, I believe, not determined. In the event of the former case, I shall immediately, on his departure, assume the Office of Commissary Judge, and call upon the Colonial Secretary to take upon himself the Situation of Commissioner of Arbitration; and I have no doubt but every thing will then go on in a proper manner. In the event of a Lieutenant-Governor being appointed, and assuming the Office of Commissary Judge, though I fear in that case the business of the Government must be attended to in preference to the business of the Commissions, yet I beg to assure you, Sir, that no exertion shall be wanting on my part in the performance of the duties of the Courts, and to keep the business from getting into arrear.

There are two Cases at present before the Courts for adjudication, which, I am sorry to say, have unavoidably lain over since the time of the late Commissary Judge being taken ill: the short period that Mr. Smart was in the Office, with the duties of the Government, precluded him from considering those Cases, so as to form his Judgment on them.

I would most respectfully beg your opinion, whether, in the event of the absence of both Foreign Commissioners, and of incapacity from temporary illness on the part of His Majesty's Commissary Judge, or Commissioner of Arbitration, the Individual retaining his health can legally constitute the Court of Mixed Commission.

I have the honour to be, &c.

(Signed) D. M. HAMILTON.

*The Right Hon. George Canning,*  
 &c.                      &c.                      &c.

### No. 15.

*D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Nov. 14.)*

SIR,

*Sierra Leone, September 20, 1826.*

UPON understanding that his Excellency Sir Neil Campbell would be detained here longer than I at first represented to you, in my Despatch of the 28th Ultimo, in consequence of His Majesty's Ship "Lively," which brought him out, and which was waiting to convey him to Cape Coast, having put to Sea in search of a Pirate, I lost no time in addressing to him, through the Colonial Secretary, a Letter, requesting him to make known to me, for your information, whether it was his pleasure to take upon himself the Office of Commissary Judge prior to his visit to the Gold Coast: a Copy of this Letter, and of the Answer, I have herein enclosed for your information. In consequence of this Correspondence his Excellency was sworn into Office on the 30th of August, as Commissary Judge on the part of His Majesty, and continued in that Office till the 9th instant, during which period one Case was disposed of. On the 9th his Excellency departed for Cape Coast, leaving a Commission with Lieutenant-Colonel Lumley, of the Royal African Corps,

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appointing him Lieutenant-Governor, but with Instructions, I believe, only to assume the Government in the event of circumstances requiring his so doing. On Monday the 11th I, consequently, as Principal Magistrate of the Colony, assumed the Office of Commissary Judge, and appointed Mr. Reffell, the Colonial Secretary, Commissioner of Arbitration.

I beg leave to inform you, Sir, that two new Cases have been brought before the Courts for adjudication since I last had the honour of addressing you. In one of these Cases the Vessel brought in is the "*Principe de Guinea*," under *Brazilian* Colours, mentioned in the late Mr. Williams's Despatch of the 30th March last; she was captured after a severe action with a Tender of His Majesty's Ship "*Maidstone*," commanded by Lieutenant Tucker of that Ship, in which many lives were lost: she had on board previous to the action 609 Slaves, out of which two were killed and thirteen drowned during the fight; and thirteen died and two were drowned on the passage up; the remainder, 579 in number, arrived here in a healthy state, except several that, I understand, were wounded in the Engagement. In the other Case the Vessel brought in is called the "*Intrepida*," and was captured under *Spanish* Colours; she had on board when seized 290 Slaves, 56 of whom died in the passage up; the others were landed here in a state of miserable wretchedness from disease. The other Cases remaining in the Courts to be finally disposed of are two—the first of which is that of the "*Perpetuo Defensor*," captured under *Brazilian* Colours, with 366 Slaves on board; she was given up by the Captors, in consequence of her having been seized to the South of the Equator, but Mr. Macaulay, the then Acting Governor, being of opinion the Slaves ought not to be allowed to leave the Harbour, ordered the greatest part of them to be landed from one of the Colonial Vessels (to which they had been removed on their arrival, from motives of humanity) and to be taken possession of, and disposed of, by the Officers of the Colonial Government: the remaining part of the Slaves that were left on board being in a state of mutiny, the Claimant was obliged to land to prevent bloodshed; Mr. Macaulay having threatened to order The King's Advocate to prosecute criminally any one attempting to coerce them. These last were, in like manner, disposed of by the Colonial Government: in consequence a Claim has been made for costs and damages on behalf of the Owners of the Vessel, which have been decreed by the Court, but the Amount has not yet been exactly settled. The remaining Case is that of the "*San Benedicto*," under *Brazilian* Colours, seized by His Majesty's Ship "*Brazen*," Captain Willes; but as it was clearly proved that, though fitted for the Slave-trade, she had not had a Slave on board during the present voyage, the Court released her; but would not award demurrage, in consequence of her having been seized out of the limits, allowed by the Treaty and Convention, for Portuguese Vessels to carry on the Slave-trade. This Case, like the last, is not quite concluded; these two last Cases being Cases of restitution, have unavoidably taken up a great deal of time, but I am in hopes that, by the next Vessel sailing for England, I shall be able to transmit Reports of all the four Cases herein mentioned.

I have the honour to be, &c.

(Signed) D. M. HAMILTON.

The Right Hon. George Canning,  
&c. &c. &c.

First Enclosure in No. 15.

D. M. Hamilton, Esq. to J. Reffell, Esq.

SIR,

Freetown, August 29, 1826.

THE business of the Courts of Mixed Commission established in this Colony for the prevention of the illicit Traffic in Slaves, being at present at a stand, in consequence of the Vacancy of the Office of Commissary Judge on the part of His Majesty, and understanding yesterday, while

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attending the Council, that his Excellency the Governor was likely to remain longer than he at first supposed in the Colony, in consequence of the departure of His Majesty's Ship "Lively" on a cruise, I have, therefore, to request you will be pleased to call his Excellency's attention to the 54th Clause of the Act of Parliament, passed in the 5th year of the reign of His present Majesty, intituled, "An Act to amend and consolidate the Laws relating to the abolition of the Slave-trade," and to the Regulations annexed to the Treaties and Convention recited in the said Act; and I have further to request you will be pleased to make known to me, for the information of His Majesty's Secretary of State for Foreign Affairs, whether it is his pleasure, during his present stay in the Colony, to take upon himself the Office of Commissary Judge.

Should his Excellency be pleased to signify his intention of assuming that Office, I will do myself the honour of waiting on him in my capacity of Chief Justice, at any time (that my health will allow,) that he may be pleased to appoint, to administer to him the usual Oaths.

I have the honour to be, &c.

J. Reffell, Esq.

(Signed)

D. M. HAMILTON.

Second Enclosure in No. 15.

J. Reffell, Esq. to D. M. Hamilton, Esq.

SIR,

Secretary's Office, Sierra Leone, August 29, 1826.

I HAVE the honour to acknowledge the receipt of your Letter of this Morning, relative to the Vacancy of the Office of His Majesty's Commissary Judge in the Courts of Mixed Commission established in this Colony, and, having submitted the same to his Excellency the Governor, to acquaint you that his Excellency is ready to take upon himself the duties of the said Office, in conformity to the Regulations annexed to the Treaties and Convention recited in the 54th Clause of the Act of Parliament passed in the 5th year of the reign of His present Majesty, and that his Excellency is desirous of taking the usual Oaths of such Office, at the Government-House to-morrow at Two o'Clock, at which hour his Excellency requests your attendance in your capacity of Chief Justice in order to administer the same to him.

I have the honour to be, &c.

D. M. Hamilton, Esq.

(Signed)

J. REFFELL.

No. 16.

Joseph Planta, Jun. Esq. to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 31, 1826.

I AM directed by Mr. Secretary Canning to acquaint you, that you may promote Mr. Magnus to the Situation of First Clerk to the British Commissioners, and Mr. Bidwell to the Situation of Second Clerk, become vacant by the promotion of Mr. Magnus.

These Appointments are to date from the 5th of July last, with the Allowances hitherto attached to those Situations, subject to the Regulations established as to leave of absence.

Mr. Canning has also considered the Representations which were made to him, under your sanction, as to the inadequacy of Salary attached to these Situations, and I have to authorise you, in consequence, to pay, from the 5th of January next, to the Individual holding the Situation of First Clerk, a Salary at the rate of £500 a Year, and to the Individual holding the Situation of Second Clerk, a Salary at the rate of £350 a Year; these Allowances being subject to the existing Regulations as to leave of absence; and I have further to authorise you to acquaint them, that, should their conduct obtain the approbation of their Superiors, and their health require a permanent retirement, at any time after a period of twelve years' actual service at their Post, Mr. Canning will be disposed to recommend them upon such retirement, for a Pension to an amount not exceeding one half of the Salary enjoyed by them in their Situation under the Commission.

Mr. Canning approves of the Arrangement, that the establishment of the Clerks under the British Commissioners shall be entirely separate from that of the Clerks under the Mixed British and Foreign Commissioners; and that the Appointment and Regulation of the Salary of the Clerks under the

Mixed Commission should be vested in the British and Foreign Commissioners jointly; subject, as far as the British Commissioners are concerned, to the final approval of His Majesty's Secretary of State.

Mr. Canning also approves, that, in the event of the death, or of the absence of either or both of the Clerks of the British Commissioners, you shall procure such temporary aid as the Colony may afford, until the Vacancy is regularly filled up; in the first instance, by an Appointment by the Secretary of State, in the other instance, by the return to his duties of the Clerk who may have been absent.

The Allowance to be made for temporary assistance on those occasions is left to your discretion; but you will take care, of course, that it shall not, on any occasion, exceed the regular Salary attached to the Situation.

I should suppose, that, in most cases, it will not be necessary that the temporary Allowance should be placed on so high a scale.

I am, &c.

*His Majesty's Commissioners.* (Signed) JOSEPH. PLANTA, JUN.

### No. 17.

*Mr. Secretary Canning to His Majesty's Commissioners.*

(Extract)

*Foreign Office, November 25, 1826.*

I HAVE received your Despatches up to the 20th of September last.

The subject of Mr. Hamilton's Despatch, marked General, of the 28th of August, having been referred for the opinion of His Majesty's Law Officer, The King's Advocate has reported, that the Treaties, the Commission, and the Provisions of the Act of Parliament for carrying the same into effect, as consolidated in the 5 Geo. IV. cap. 13, furnish the only safe guide for the exercise of jurisdiction by the Members of the Mixed Commission Courts.

(Signed) GEORGE CANNING.

*His Majesty's Commissioners.*

### No. 18.

*Joseph Planta, Jun. Esq. to D. M. Hamilton, Esq.*

SIR,

*Foreign Office, November 25, 1826.*

MR. SECRETARY CANNING has received your Letter of the 12th of August last, and I am directed to acquaint you, in answer, that Mr. Canning will have pleasure in recommending you for the Appointment which you solicit, of His Majesty's Commissary Judge in the Mixed Commission Court at Sierra Leone.

In notifying to you this Appointment, I am directed by Mr. Canning to explain to you the manner in which your future retirement will be regulated, in consequence of your filling Situations of different rank in the Commission.

You are already aware of the Regulation, that no Pension can be granted under the Commission, until the Person who may be permitted to retire shall have completed, at Sierra Leone, in Appointments by The King, under the Mixed Commission at that Place, a period of six years' actual service.

If an Officer in the Mixed Commission, having served in an inferior Situation, shall be promoted to a higher Post in that Commission, and shall be permitted to retire, previously to his having completed three years' actual service, at Sierra Leone, in that higher Appointment, the said Officer shall only receive the Pension allotted to the lower Situation in the Commission.

If, however, the service of the said Officer, in the higher Situation, shall

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have exceeded the term of three years, and his whole service under the Commission the period of six years, and that he shall then be permitted to retire, he shall receive the Pension allotted to the higher Situation.

These Regulations will apply to your case; and, as it is intended that this principle shall be acted upon as the general rule for Pensions to be granted for services rendered in the Situations of Commissary Judge, Commissioner of Arbitration, and of Registrar under the Mixed Commission, I am directed to desire that you will deposit in the Archives of the Office at Sierra Leone, a Duplicate, which is herewith sent to you, of this Letter.

I am, &c.

*D. M. Hamilton, Esq.*

(Signed)

JOSEPH PLANTA, JUN.

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No. 19.

*Joseph Planta, Jun. Esq. to William Smith, Esq.*

SIR,

*Foreign Office, November 25, 1826.*

MR. SECRETARY CANNING has received your Letter of the 14th of August last, and I am directed to acquaint you, in answer, that Mr. Canning will recommend you for the Appointment which you solicit, of His Majesty's Commissioner of Arbitration, in the Mixed Commission Court at Sierra Leone, which Situation has become vacant by the promotion of Mr. Hamilton to be His Majesty's Commissary Judge in that Court.

In respect to the Pension, which may hereafter be granted to you, I have to refer you to the Letter which, by Mr. Canning's direction, I have, under this date, addressed to Mr. D. M. Hamilton upon this subject, the Regulations contained in which will be equally applicable to you both, in your respective Situations.

I am, &c.

*William Smith, Esq.*

(Signed)

JOSEPH PLANTA, JUN.

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## SIERRA LEONE. (Separate.)

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No. 20.

*William Smith, Esq. to Mr. Secretary Canning.—(Received May 22.)*

SIR,

*Sierra Leone, March 15, 1826.*

I HAVE the honour, herewith, to transmit to you a certified Return, taken from the Register in this Office, of the Number of Slaves emancipated from the 5th day of January 1825, to the 5th day of January 1826.\*

The total number registered amounts to 1701.

I deem it also my duty to forward a Return of the Number of Slaves landed from the *Spanish Brigantine*, "Ninfa Habanera," amounting to 228.

These Slaves having been put on board the said Vessel, after capture, by the Caboccer of Popo, at the instance of the Captors, the Judges of the British and Spanish Court of Mixed Commission did not decree their Emancipation; they were, however, delivered over to the Colonial Government.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
                   &c.                   &c.                   &c.

(Signed)           WM. SMITH.

\* *Mem*: This Enclosure contains the Names and Particulars of Emancipation and Registry of Slaves, from No. 5037 to 6737, inclusive.

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No. 21.

*George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)*

SIR,

*Sierra Leone, January 12, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, dated the 7th of October 1825, enclosing, for our information, Copies of two Letters which had passed between the Foreign Office and the Colonial Department, on the subject of filling up, *ad interim*, Vacancies which may occur in the British Judgeships in the Mixed Commission at Sierra Leone.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
                   &c.                   &c.                   &c.

(Signed)           GEO. RENDALL.

## No. 22.

*D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Oct. 17.)*

SIR,

*Sierra Leone, August 15, 1826.*

I HAVE the honour to enclose, herewith, a Return of the Slaves emancipated by the Courts of Mixed Commission established in this Colony, for the prevention of illicit Traffick in Slaves, during the period from the 5th of January to the 5th of July, of the present Year.

By this Document you will observe that 1492 Slaves have been emancipated by those Courts in that period.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) **D. M. HAMILTON.**  
&c. &c. &c.

*Mem:* The Enclosure contains the Names and Particulars of Emancipation and Registry of Slaves, from No. 6738 to 8227, inclusive, amounting to 1490 Slaves; 2 having died before they were registered.

## No. 23.

*Joseph Planta, Jun. Esq. to William Reffell, Esq.*

SIR,

*Foreign Office, November 25, 1826.*

MR. SECRETARY CANNING has received your Letter of the 12th of August, and I have the pleasure to acquaint you, by his direction, that Mr. Canning will recommend you for the Situation of Registrar to the Mixed Commission Court at Sierra Leone, which Situation is become vacant by the Appointment of Mr. William Smith to be His Majesty's Commissioner of Arbitration in that Court.

The Salary attached to this Situation is £1000. a Year, but it is diminished by one half in those cases in which a Person holding the Appointment under the Commission, enjoys at the same time any other Situation, with Salary or Emolument under His Majesty's Government.

If, at any period, after six years' actual service at Sierra Leone, in your present Appointment under the Commission, you should be desirous of retiring, the Secretary of State will be disposed, upon due consideration of your services, to recommend you for a Pension, not exceeding in amount the sum of £500. a Year.

I am, &c.

*William Reffell, Esq.*(Signed) **JOSEPH PLANTA, JUN.**





## No. 25.

*G. Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)*

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, the Report of the Case of the Spanish Schooner "*Clara*," otherwise "*Clarita*," detained by His Majesty's Ship "*Brazen*," Captain George Wicken Willes, off Cape Mesurado, on the 4th of November 1825, with 36 slaves on board.

This Vessel was brought in here for Adjudication on the 15th of November 1825, and the proof of illicit Slave-trade being perfectly clear, she was condemned by the Court on the 23d of the same month, the Emancipation of the Slaves being decreed on the same day.

I have the honour to be, &amp;c.

The Right Hon. George Canning,  
&c. &c. &c.

(Signed) GEO. RENDALL.

## Enclosure in No. 25.

*Report of the Case of the Spanish Schooner "Clara," otherwise "Clarita," José Morano, Master.*

THIS Vessel was sent into the Port of Freetown on the 15th of November 1825, by Captain George W. Willes, with 36 slaves on board, consisting of 12 men, 9 women, 8 boys, 6 girls, and 1 infant. On the same day the Ship's Papers, with the Declaration of the Captor, were lodged in the Registry Office, duly attested by Mr. J. Batt, Admiralty Mate of His Majesty's Ship "*Brazen*." On the 16th of November, a Monition was prayed and issued, calling upon all Persons having, or pretending to have, any right, title, or interest in the said Vessel and Cargo, to appear and make claim, which was returned on the 23d, certified as having been duly served.

Captain Willes, in his Declaration, states, that on the 4th of November 1825, being in Latitude 5. 15. North, and Longitude 19. 30. West, he fell in with and detained the Schooner "*Clarita*," José Morano, Acting Master, with a crew of 14 men, armed with 1 gun and 20 muskets, and having on board 36 slaves, together with some tobacco, spirits, and other articles.

José Morano, the Master, in answer to the Standing Interrogatories, deposed, that the late Master was the Owner; that upon his decease, on the 18th of September last, he appointed himself to the command off Grand Currow; that the present voyage began at the Havannah, and was to have ended there. Gibraltar was the last clearing Port the Vessel sailed from; touched at Grand Currow, Teembo, and the Gallinas, on this Coast during the voyage; she was seized for having slaves on board off Cape Mesurado; sailed under Spanish Colours; her name was the "*Clarita*." The present Cargo consists of 36 slaves, and 450 rolls of tobacco; 33 slaves were taken on board at Teembo, from a man named Brown, and 3 at the Gallinas.

The Boatswain in his examination corroborates fully the evidence of the Master.

It appears by the Papers of this Vessel, that she cleared out from the Havannah with a Crew of 12 men, on the 22d of March 1825, for Gibraltar; that José Peres Munoz was then Master; that on the 4th of July he appeared before the Spanish Consul at Gibraltar, and obtained a Certificate of having shipped 15 men and boys, retaining only the Boatswain and 1 boy of the original Crew; he cleared out also on the same day for St. Thomas' and the Havannah. The whole of the Papers found on board consist only of a Passport for the Vessel, (therein called the "*Clara*," ) a List of the Crew, printed rules to be observed by Masters and Officers of Spanish Vessels, a Mediterranean Passport, and a Bill of Health given at Gibraltar.

The case of illicit Traffick being clearly proved, and no Claim having been made on behalf of the Owner or Master, the Court, without hesitation, pronounced Sentence of Condemnation on the said Vessel, and decreed the Emancipation of the Slaves on the 23d day of November 1825.

(Signed) GEO. RENDALL.

## No. 26.

*G. Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)*

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, the Report of the Case of the Spanish Schooner "*Teresa*," whereof Francisco Granell was Master.

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This Vessel was detained by His Majesty's Ship "Redwing," D. C. Clavering, Esq. Commander, in Old Calabar River, on the 6th of October 1825, with 248 Slaves on board, 50 of whom, on account of her crowded state, were put on board the Spanish Schooner "Ana," also detained by the "Redwing."

The "Teresa" was upset in a tornado on the 19th of October last, when all on board perished, except 8 of the Prize Crew, 4 Spaniards, and 6 Slaves.

The Court, deeming the proofs of illicit Slave-trade to be clearly established, pronounced that at the time of seizure the Schooner "Teresa" was liable to confiscation, and decreed the Emancipation of the surviving Slaves on the 3d day of January 1826.

I have the honour to be, &c.

The Right Hon. George Canning,  
&c. &c. &c.

(Signed) GEO. RENDALL.

#### Enclosure in No. 26.

#### *Report of the Case of the Spanish Schooner "Teresa," Francisco Granell, Master.*

UPON the 17th of December 1825, the Papers of this Vessel were brought into Court by Lieutenant Card, of His Majesty's Ship "Redwing" D. C. Clavering, Esq. Commander, and duly attested by him. On the same day, an Affidavit, made by Lieutenant Wilson and Thomas Mac Gowan, Esq., Admiralty Mate, both of His Majesty's Ship "Redwing," was filed, and was in substance as follows: That, on the 8th of October last, by order of Captain Clavering, they took charge of the detained Schooner "Teresa," with 248 slaves on board, and accompanied His Majesty's Ship "Redwing" to the River Cameroons and Cape Formosa. That said Schooner being very crowded, 50 slaves were removed into the Spanish Schooner "Ana;" that on the 19th of October last, at about 2. 30. A. M., being about half a mile from the Ship, with nearly all sail set, the Schooner was suddenly laid on her beam-ends by a tornado, and almost immediately went down; that, by clinging to spars, these Deponents, with 8 of the Prize Crew, 4 Spaniards, and 6 Slaves, were rescued by the Boats of the Ship, after being 7 hours in the water; that 196 Slaves, 4 of the Prize Crew, and 1 Spaniard, were unfortunately lost; 6 slaves had died of fever and dysentery previous to this occurrence. The usual Monition was prayed and issued on the 19th of December, calling upon all Persons having, or pretending to have, any right in the Spanish Schooner "Teresa" to appear and make due Claim; it was returned on the 26th, certified as having been duly served.

The Declaration of the Captor, Captain Douglas Charles Clavering, states, that on the 6th of October 1825, the Boats of His Majesty's Ship "Redwing" detained the Schooner "Teresa" in the Old Calabar River, in about Latitude 4. 35. North, and Longitude 8. 45. East, with 248 slaves on board, who were counted in the presence of the Master and Mate of the said Vessel.

A Certificate, signed "D. C. Clavering, Commander," "Francisco Granell," and witnessed by "Robert Card, Lieutenant," and "William Armstrong, Surgeon," was filed in Court on the 27th of December. It states, that Francisco Granell has petitioned to be landed at the nearest Port, in consequence of sickness and scurvy, which were increasing daily, by living on salt provisions, and which Mr. Armstrong, the Surgeon of the Ship, confirms; that, as the "Teresa" was lost, it was supposed his presence as a Witness was no longer required; that he freely and willingly (knowing the seizure to have been just) gave up all claim to indemnification for her loss; that, in consideration of the above circumstances, Captain Clavering acceded to his request, and landed him at Princes Island.

Pablo Frexas, in his Answers to the Standing Interrogatories, states, that the Master, Francisco Granell, took possession of the Vessel at Saint Jago de Cuba. She was seized for having slaves on board; sailed under Spanish Colours. The present voyage began at Saint Jago de Cuba, and was to have ended there; it was the last clearing Port. She anchored in Cameroon and Calabar Rivers, to trade for Slaves; was armed with four carronades, some muskets, cutlasses and cartridges; fired one carronade and some muskets at the Boats; does not know who gave the orders to do so; 247 slaves were taken on board, some in the River Calabar, and the remainder in the Cameroons.

By the Vessel's Papers, it appears that the Schooner "Teresa," Francisco Granell, Master, of 85 tons burthen, with a Crew of 23 men and boys, cleared out from Santiago de Cuba on the 4th of May 1825, with a general cargo, for Princes' Island.

The proofs of illicit Slave-trade being so clear, the Court pronounced, that, at the time of seizure, the said Schooner "Teresa" was illegally engaged in the Traffick of Slaves, and, as such, subject and liable to confiscation, and decreed the surviving slaves belonging to the said Schooner "Teresa" to be emancipated on the 3d day of January 1826.

(Signed) GEO. RENDALL

No. 27.

*George Rendall, Esq. to Mr. Secretary Canning. — (Received June 2.)*

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to forward, for your information, the Report of the Case of the Spanish Schooner, "*Ana*," detained off the River Cameroons on the 11th of October 1825, by His Majesty's Ship "*Redwing*," Douglas C. Clavering, Esq. Commander, having on board at the time of the capture 202 slaves.

This Vessel arrived in the Harbour of Freetown, on the 25th of November last, with 130 slaves, 50 having been put on board from the "*Teresa*," and 45 from the "*Isabella*," and 68 out of the whole number having died on their passage to this Place.

The engagement of this Vessel in the illicit Traffick in Slaves being clearly proved, the Court passed Sentence of Condemnation on the 3d of January 1826, and decreed the Emancipation of the surviving Slaves.

I have the honour to be, &c.

The Right Hon. George Canning,  
&c. &c. &c.

(Signed)

GEO. RENDALL.

Enclosure in No. 27.

*Report of the Case of the Spanish Schooner "Ana," Manoel Sierra, Master.*

THE "*Ana*" arrived in Sierra Leone Harbour on the 25th of November 1825, in a wretched condition, having lost 68 slaves on the passage, as appears by the Affidavit of Mr. Taylor, Master of His Majesty's Ship "*Redwing*," Douglas Charles Clavering, Esq., Commander; he deposes that, on the 11th of October last, they detained, off the Cameroons, the Spanish Schooner "*Ana*," with 107 slaves on board, that 50 slaves were put on board said Schooner from the "*Teresa*," and 45 from the "*Isabella*," 2 other Prizes to His Majesty's Ship "*Redwing*," making in the whole 202 slaves; that on the passage up 68 died, chiefly from dysentery; that no Medical Officer was on board, but that Deponent administered medicine to the said slaves to the best of his power, and the greatest care and attention was paid to them. On the 26th of November, the Agent for Captors prayed, that the slaves might be landed, which the Court immediately allowed, the following number, viz. 50 men, 39 boys, 23 women, and 18 girls, making a total of 130 slaves, were then handed over to the Marshal of the said Court, and, ultimately, delivered by him to the Chief Superintendent of Liberated Africans. There were no means of ascertaining the survivors of the slaves belonging to each Vessel separately, as no precaution had been taken for that purpose.

The declaration of the Captor, Captain Clavering, which was filed in Court on the 28th of November, states, that on the 11th of October 1825, he detained the Spanish Schooner "*Ana*" off the River Cameroons, in Latitude 3. 50. North, and Longitude 9. 2. East, having on board 106 slaves, counted in the presence of the Mate, Francisco Carbonell (the Master having been left on shore at Bimbia.)

On the 5th of December the Vessel's Papers were brought into Court, and duly authenticated by Mr. Braund, Purser of His Majesty's Ship "*Redwing*."

The Motion was prayed on the 16th of December, and returned as duly served on the 26th.

Francisco Carbonell, Second Captain, states, in his examination, that the Master, Manoel Sierra, took possession of this Schooner at St. Jago de Cuba. She sailed under Spanish Colours, was seized for having slaves on board; the Schooner's name is the "*Ana*," she is about 80 tons burthen, had a Crew of 27 Officers and Mariners, exclusive of the Master. The voyage began at St. Jago de Cuba, and the Master said it was to have ended there, it was the last clearing Port; touched at Calabar to trade for slaves; first saw Capturing Ship off Bimbia; was captured about 4 leagues off the River Cameroons; was coming from Bimbia; was armed with 4 guns, 5 muskets, some cutlasses, powder, and a few balls; fired 2 guns at the Boats; cannot say who gave the order, as he was lying sick; does not know the Owner of the Vessel; 106 slaves were taken on board at Bimbia; 5 died previous to capture.

The evidence given by Mariano Casa, the Boatswain of the Vessel, is the same in substance with that of the Second Captain, except in the number of slaves said to have been taken on board. The Boatswain states that only 90 slaves were shipped at Bimbia.

The Papers of the Vessel show that she cleared from Santiago de Cuba on the 8th of June 1825, with a general Cargo for St. Thomas, and a Crew of 25 men and boys commanded by Manoel de Sierra.

The proofs of illicit Slave-trade being thus clearly established, the Court passed Sentence of Condemnation against the Schooner "*Ana*," and decreed the Emancipation of the surviving Slaves on the 3d day of January 1826.

(Signed)

GEO. RENDALL.

No. 28.

*George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)*

SIR,

*Sierra Leone, January 10, 1826.*

I HAVE the honour to enclose, for your information, a Report of the Case of the Spanish Brigantine "*Ninfa Habanera*," José Puiz y Miro, Master, brought in here for adjudication on the 21st of December 1825, having been detained on the 17th of November, off Accra, by His Majesty's Ship "*Brazen*," Captain George Wicken Willes, for having carried 50 Slaves from Accra to Popoe: 231 Slaves were on shore at Popoe at the time of seizure, which the Master acknowledged to be the Cargo belonging to the said Brigantine.

The Cook belonging to the Vessel corroborated the evidence of the Master. It being clearly proved that 50 Slaves had been shipped on board the "*Ninfa Habanera*" during the present voyage, the Court felt no hesitation in passing Sentence of Condemnation of the Vessel, and gave it as their opinion, that most of the Slaves that were brought from Popoe to this Colony, did compose the Cargo belonging to that Vessel, but as they were not on board at the time of capture, the Court could not decree their Emancipation.

I have the honour to be, &amp;c.

*The Right Hon. George Canning,* (Signed) GEO. RENDALL.  
 &c.      &c.      &c.

Enclosure in No. 28.

*Report of the Case of the Spanish Brigantine "Ninfa Habanera," José Puiz y Miro, Master.*

THIS Vessel arrived in the Harbour of Freetown on the 21st of December 1825, with 228 slaves on board, consisting of 103 men, 70 women, 35 boys, and 20 girls. On the same day the Ship's Papers, duly authenticated by Lieutenant Walker, of His Majesty's Ship "*Brazen*," together with the Declaration of the Captor, Captain G. W. Willes, were filed in the Registry of the Court.

The usual Monition was prayed and issued on the 22d of December, and returned into Court on the 30th, certified by the Marshal as having been duly served.

The Declaration of Captain George Wicken Willes, commanding His Majesty's Ship "*Brazen*," states, that he detained the Spanish Brigantine "*Ninfa Habanera*, of the Havannah, off Accra, on the 17th of November 1825, for having had slaves on board for the purpose of illicit Traffick during her present voyage; and further, that, on the 22d of November, he obtained from Little Popoe 231 slaves, being the cargo of the said Vessel, acknowledged as such by the Master, José Puiz y Miro, as well as the Caboceer and principal People of Popoe.

The Master, José Puiz y Miro, in answer to the standing Interrogatories, deposed, that the Owner, Emecildo Laureyro, who lives in the Havannah, appointed him to the command of the Vessel on the 31st of May last. She has been called the "*Ninfa Habanera*" for the two last voyages, but was formerly called the "*Segunda Ligera*." She is 150 tons burthen, had a Crew of 46, Officers and Mariners; sailed under Spanish Colours; was seized for having carried 50 slaves from Accra to Popoe. The present voyage commenced at the Havannah, and was to have ended there; it was her last clearing Port; anchored at Quittah, Popoe, and Accra; at the first Place, to ascertain her Longitude, at the two last, to trade for slaves; was captured off Accra on the 17th of November 1825; was armed with 1 twelve-pounder, on a pivot, and 5 carronades, also some muskets, cutlasses, powder and shot. The slaves were put on board the Schooner by the Captain of the Man-of-war. Fifty slaves were taken on board from the time they commenced trading at Accra from the shore, and landed at Popoe; 21 men, 20 women, and 9 children. In answer to special Interrogatories, put by permission of the Court, he stated, that most of the slaves put on board at Little Popoe were the same that he purchased for the Brigantine taken; but some of the healthy ones were exchanged by the Caboceer of Popoe, with whom they were in charge, for sickly ones; they were all confined in one house, the men in irons, the women and children were not; they were in the actual possession of the second Pilot of the Brigantine; believes the Caboceer sent them on board, but cannot be positive; the son of the Caboceer of Popoe and two other people of that Place were on board at the time of capture; they were landed at Little Popoe. He purchased 50 slaves at Accra from a Caboceer named Ancrah. He lives nearer the Dutch Fort than the English; the Brigantine lay equally distant from the Danish and the Dutch Forts, out of gun-shot of the English Fort; the 50 slaves were shipped in Ancrah's Canoes; did not purchase any slaves from Mr. Hansen; made the bargain with Ancrah for the 50 slaves, who distributed the money among his friends; believes one is named Quarty Cudjoe, and knows that Ay, the

brother of Ancrah, is another; the latter is Mr. Hansen's head-man; part of the 50 slaves were supplied by him; does not know if they were on Mr. Hansen's account; Ay was with Ancrah daily; was there when the agreement was made for the 50 slaves; went once to Mr. Hansen's House to purchase a barrel of tar, and another time with a Spanish Captain to purchase a piece of silk. Mr. Hansen did not recommend Ancrah to him, nor did he ever speak about slaves; does not know if Mr. Hansen authorized the sale of the slaves, or whether the purchase was by his order, or on his account; Mr. Hansen did not send him to Ancrah, nor does he know if the slaves were furnished by Mr. Hansen's orders.

Luiz de Seppe, the Cook belonging to this Vessel, was also examined upon the Standing Interrogatories, and corroborated the evidence of the Master.

The Vessel's Papers shew that she was fitted out at the Havannah, from whence she cleared for Princes Island on the 14th of June 1825, with a general Cargo of dry goods, rum, tobacco, &c.

The fact of 50 slaves having been shipped on board the "Ninfa Habanera" at Accra, during the present voyage, and afterwards landed at Popoe, being clearly proved, the Court felt no hesitation, on the 3d of January 1826, in pronouncing Sentence of Condemnation against the Vessel, as having been illegally engaged in the Slave-trade at the time of capture, but as it was proved that no slaves were actually on board the "Ninfa Habanera" when detained by His Majesty's Ship "Brazen," and as no satisfactory evidence was given of the means by which the 231 slaves shipped at Popoe were obtained by the Captors, the Court could not decree their Emancipation; at the same time expressing its opinion, that most of the slaves brought to this Colony, in the said Brigantine "Ninfa Habanera," did compose the Cargo belonging to that Vessel.

(Signed) GEO. RENDALL

### No. 29.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received June 2.)*

SIR,

*Sierra Leone, March 25, 1826.*

HEREWITH we have the honour to transmit to you, a Report of the Case of the Spanish Schooner "*Iberia*," detained by His Majesty's Ship "Brazen," Captain G. W. Willes, on the 27th December 1825, for being engaged in illicitly Trading in Slaves.

The Adjudication of the "*Iberia*," took place on the 21st instant, and as the Traffick in Slaves is by Treaty entirely prohibited to the Subjects of His Catholick Majesty, and this Vessel having been actually found with 422 slaves on board at the time of capture, no difficulty could arise regarding the decision, and Sentence of Condemnation was, therefore, pronounced against her.

We have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

*The Right Hon. George Canning,*  
&c. &c. &c.

GEO. RENDALL.

### Enclosure in No. 29.

*Report of the Case of the Spanish Schooner "Iberia", Andres Insua, Master.*

THIS Vessel was captured by His Majesty's Ship "Brazen," Captain G. W. Willes, on the 7th day of December 1825, in Latitude 4. 25. North, and Longitude 3. 43. West, having, as he states in his Declaration, 325 slaves on board. She arrived in this Harbour the 22d January 1826, and was immediately visited by the Surgeon of the Court, who recommended, that as the slaves on board were in a very crowded state, and many suffering from dysentery, as well as 15 cases of small-pox, and also many emaciated and debilitated, that those in a healthy state should be allowed to be landed instantly, and those suffering from small-pox, dysentery, &c. be kept on board, and the Vessel placed in quarantine, till such time as the infection ceased. A Petition was immediately made to the Court to land the healthy slaves, which was granted, and the Vessel placed in quarantine for some days, owing to which the Papers in this Case were not filed until the 28th January; which having been done, a Monition was prayed for and granted on the 31st, citing the Parties interested in the Case, to appear and shew cause why she should not be condemned as lawful Prize.

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This Vessel, by the Papers found on board, of which there were only four, viz. Passport, List of Crew, Countersign, and Bill of Sale, declare her to have cleared out from Havannah on the 16th July 1825, for the Island of Princes on the Coast of Africa, for legitimate Commerce, and not to trade for slaves; and yet, on the 6th of October following, she is boarded by the Boats of His Majesty's Ship "Maidstone," while lying at anchor at Lagos, as appears by the endorsement of the Boarding Officer on the back of her Papers. It is necessary to remark that, as no Log, or any other Papers or Writings than those above stated, were found on board of her, there can be no doubt but that they were destroyed during the chase of the said Vessel, which occupied 50 hours, yet the Master declares, in his Examination, that no Papers, Letters, Writings or other Documents, which were on board the Vessel, when she took her departure from the last clearing Port, and before capture, were burnt, torn, thrown overboard, destroyed, cancelled or concealed. He further declares, that the present voyage began at the Havannah, and when his Cargo was completed, it was to have ended there.—Havannah was the last clearing Port previous to capture. The Schooner anchored at Accra and Lagos, during the voyage in which she was taken; she anchored at Accra to purchase provisions, and at Lagos to trade, half of the Cargo having been damaged from the length of time it had been on board; he was obliged to purchase slaves, as he could not wait any longer to get palm-oil and ivory, and those slaves he took on board to sell along the Coast from Lagos to Accra, (he would have passed them up by land, but a war between the King of Lagos and the King of Badagerry prevented his doing so), and with the proceeds of them he intended to purchase palm-oil, ivory, and other produce; he further declares, that 422 slaves were taken on board altogether, from the time the trading for them commenced to the completing of the Cargo, and that he is the sole Owner of them, and of the Vessel, which last fact is corroborated by the Bill of Sale found on board, and the former by Pedro Salvo, Carpenter of the said Schooner, who, in every other material point, corroborates the Master's Declaration.

This Case presented no difficulty, the Treaty being plain and explicit, the Slave-trade to Spanish Vessels being totally prohibited.—The Court did not hesitate in pronouncing the condemnation of the said Schooner, and that 422 slaves were on board at the time of capture, 417 of whom were decreed to be Emancipated, 5 having died before Adjudication.

Sierra Leone, March 25, 1826.

(Signed)

JOHN TASKER WILLIAMS.  
GEO. RENDALL.

### No. 30.

*D. M. Hamilton, Esq. to Joseph Planta Jun. Esq.—(Received October 16.)*

SIR,

Sierra Leone, August, 15, 1826.

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, intituled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" and, in obedience to the Instructions received from Mr. Secretary Canning relative to the same, I beg leave to enclose, in duplicate, a List or Return of all Spanish Vessels which have been Adjudicated in the British and Spanish Court of Mixed Commission established at this Place, from the 1st day of January to the 30th day of June 1826, both days inclusive.

I have the honour to be, &c.

J. Planta, Jun. Esq.  
&c. &c. &c.

(Signed)

D. M. HAMILTON.

Enclosure in No. 30.

*Return of Spanish Vessels Adjudicated by the British and Spanish Court of Mixed Commission established at Sierra Leone, from the 1st day of January to the 1st day of July 1826.*

NAME of VESSEL.	Date of Seizure.	Property Seized.	SEIZOR.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted, and whether any part remains un-sold, and in whose hands the Proceeds remain.
Teresa .....	October 6, 1825	{ Schooner and 197 Slaves }	D. C. Clavering ..	January 3, 1826	Condemned for illicitly Trading in Slaves..	{ This Vessel was upset and lost in a tempest in the Bight of Beuin.
Ana .....	October 11, —	{ Schooner and 198 Slaves }	D. C. Clavering ..	January 3, —	Condemned for illicitly Trading in Slaves..	{ The Schooner sold, by public auction, and the Proceeds paid into the Military chest.
Ninfa Habanera ..	November 7, —	{ Brigantine and 231 Slaves }	G. W. Willes .....	January 3, —	{ Condemned for illicitly Trading in Slaves, but the Court decreed that no Slaves were on board of the said Brigantine at the time of the capture thereof, and therefore the 231 Slaves which were delivered up to Captor, by the Cabocero of Popoe, were not entitled to Emancipation.	{ The Brigantine, sold by public auction, and the Proceeds paid into the Military chest.
Iberia .....	December 27, —	{ Schooner and 422 Slaves }	G. W. Willes .....	March 21, —	Condemned for illicitly Trading in Slaves..	{ The Schooner, sold by public auction, and the Proceeds paid into the Military chest.

*Sierra Leone, July 1, 1826.*

(Signed) D. M. HAMILTON.

SIERRA LEONE.

(Spain.)

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*D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received October 17.)*

(Extract.)

*Sierra Leone, August 7, 1826.*

MR. WILLIAMS being yet very ill, it therefore becomes my duty to enclose, for your information, the Report of the Case of the Spanish Schooner "*Nicanor*," whereof Jozé Le Grand was Master, captured by a Boat of His Majesty's Ship "*Maidstone*," on the 20th day of May last, off Whydah, having on board 174 slaves, one of whom jumped overboard and was drowned prior to her arrival in this Harbour. She was bound, at the time of capture, from Little Popoe to the Havannah. The proof of illicit Slave-trade being very clear and unequivocal, the Court pronounced Sentence of Condemnation of the Vessel, and Emancipation of the Slaves on the 1st of July last.

Mr. Williams and myself think it our duty in this Case to call your attention to the fact of the capture having been made by a Schooner acting as a Tender to His Majesty's Ship "*Maidstone*;" and we beg your Instructions for our guidance in similar Cases.

*The Right Hon. George Canning,* (Signed) *D. M. HAMILTON.*  
*&c. &c. &c.*

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Enclosure in No. 31.

*Report of the Case of the Spanish Schooner called the "Nicanor," whereof Jozé Le Grand was Master.*

THIS Vessel, with 173 slaves, all in good health, arrived in this Harbour on the 12th of June last. On the day following, the Papers, with the Affidavit of Mr. Samuel Richardson, Admiralty-Mate of His Majesty's Ship "*Maidstone*," commanded by Commodore Bullen, were brought into Court, together with the Declaration of Lieutenant William Tucker, of that Ship, in which he certifies that "being in the command of a Boat belonging to the said Ship, detached to cruise for the prevention of the illicit Traffick in Slaves, on the 20th day of May 1826, being off Whydah, he detained the Schooner named the "*Nicanor*," sailing under Spanish Colours, armed with 1 gun (12-pounder,) commanded by Jozé Le Grand, who declared her to be bound from Little Popoe to the Havannah, with a Crew consisting of 19 men and 1 boy, and having on board 174 slaves, all healthy; viz 58 men, 57 women, 36 boys, 22 girls and 1 infant." He further certifies, "that the said Schooner appeared to be sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and Crew on their destined voyage to the Havannah." And he certifies "the same to be given under his hand on board the Boat of His Majesty's Ship "*Maidstone*," the 20th day of May 1826." Mr. Richardson, the Admiralty-Mate, in his Affidavit aforesaid, maketh oath, "That on the 20th day of the month of May last, being off Whydah, in a Boat of His Majesty's Ship "*Maidstone*," they seized and detained the Ship or Vessel called the "*Nicanor*," whereof Jozé Le Grand was Master, by reason that the said Schooner was employed in the illicit Traffick in Slaves contrary to the existing Treaties entered into with His Britannick Majesty and His Catholick Majesty The King of Spain.

By the "*Nicanor*'s Papers, consisting of a Spanish Royal Passport (by which it appears she cleared out for legitimate Traffick only, at the Islands of Princes and St. Thomas on the Coast of Africa,) a Mediterranean Pass, Role d'Equipage and another Document; it appears from the endorsements on them that prior to her capture on the 20th of May, she was visited by His Majesty's Ship "*Brazen*," Captain Willes, off Cape St. Paul, on the 18th of April last, and again by the same Ship, off Ningo, on the 26th of the same Month.

On the 20th of June, the usual Monition was prayed for and granted, calling upon all Persons having, or pretending to have, any right, title, or interest in the said Schooner and Slaves, to appear and make claim, &c. which was afterwards returned certified to have been duly served, and on the 22d day of the same Month, after the examination of the aforesaid Jozé Le Grand had been taken on the General Interrogatories, an Order of Court was made on the Petition of the Captors, stating their apprehension of the slaves becoming sickly, by reason of the badness of the weather, and the smallness of the Vessel for the landing of them, 173 in number,—1 having jumped overboard, and having been thereby drowned, on her passage to this Place since the capture. The Depositions of the Master and Cook, both clearly and unequivocally establishing the fact of illicit Slave-trading, the Court, on the 1st of July, pronounced Condemnation of the Vessel and Emancipation of the Slaves.

Prior to the Judgment being given in this Case, the Commissioners, on enquiring of Mr. Richardson, the Admiralty-Mate of His Majesty's Ship "*Maidstone*," ascertained that the Boat of the "*Maidstone*," said to have made this capture, was one of the Boats of that Ship attached to a decked Vessel, a Schooner, called the "*Hope*," and a Tender to the "*Maidstone*" Frigate,

and which Mr. Richardson believes to be the property of Commodore Bullen; her Crew consists entirely of Persons belonging to His Majesty's Ship "Maidstone," and she has been cruising alone after Slave-vessels. She chased the "Nicanor" several hours prior to her being boarded by the "Maidstone's" Boat. She is commanded by Lieut. Tucker, and parted company with the "Maidstone" off the Island of St. Thomas in the beginning of May last.

(Signed) D. M. HAMILTON.

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No. 32.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, November 29, 1826.*

I HAVE received your Despatch of this Series, marked Spain, of the 7th of August last, in which you call my attention to the Case of the "*Nicanor*," captured and condemned for illegal Slave-trade.

The peculiarity of this Case was, that the Slave-trader was captured by a Vessel acting under the command of Lieut. Tucker, as a Tender to His Majesty's Ship "Maidstone."

On this point I have to acquaint you, that, by a Communication from the Admiralty, it appears that it would be contrary to all the Regulations of His Majesty's Naval Service, to consider the Tenders as in any way distinct from the Ships to which they belong; and I have further to state to you, that it is the opinion of His Majesty's Law Officer that you have acted properly in the Case referred to, and that you should continue to act on the same principle in future Cases.

I have also to acquaint you, that, for the more fully carrying of this principle into effect, the Lords of the Admiralty have given orders, that the respective Officers commanding the Tenders in question should each be furnished with the signed Instructions required by the Treaties for the repression of the Slave-trade.

I am, &c.

*His Majesty's Commissioners.*

(Signed)

GEORGE CANNING.

## SIERRA LEONE. (*Portugal and Brazil.*)

No. 33.

*George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2, 1826.)*

SIR,

*Sierra Leone, November 21, 1825.*

I HAVE the honour to enclose, for your information, the Report of the Case of the Brazilian Sumacca "*Bom Jesus dos Navigantes*," whereof Joaõ Pereiro was Master, captured on the 17th of July last, by His Majesty's Ship "*Esk*," W. J. Purchas, Esq. Commander, with 280 Slaves (being 73 more than allowed by Passport) on board.

The British and Portuguese Commissary Judges agreeing perfectly in opinion, that this Vessel had taken on board the Slaves to the Northward of the Line, passed Sentence of Condemnation, and decreed the Emancipation of the Slaves, on the 14th of September last.

I have the honour to be, &c.

*The Right Hon. George Canning*  
&c.      &c.      &c.

(Signed) GEO. RENDALL.

Enclosure in No 33.

### *Report of the Case of the Brazilian Sumacca "Bom Jesus dos Navigantes", Joao Pereiro, Master.*

THIS Vessel arrived in the Port of Freetown on the 13th of August 1825, with 267 slaves on board, consisting of 106 men, 78 women, 40 boys, 27 girls, and 7 infants.

On the same day the Papers, duly authenticated, with the Declaration of the Captor, Captain Purchas, of His Majesty's Ship "*Esk*", were brought into Court, and proceedings commenced by the issue of a Monition, calling upon all Persons having any right, or pretended right, to the Vessel and Cargo, to appear and make claim, which was afterwards returned certified as duly served.

It is stated in the Royal Passport given at Bahia, the 21st day of January 1825, that this Vessel is 82½ tons, and carrying 22 men; that Antonio Narciso is the Owner; that she was bound to the Ports of Molembo, with the intention to call at Costa da Mina, and back to any Ports in the Brazilian Empire; and that any number of slaves not exceeding 206 are permitted at one time to be on board of her.

Captain Purchas's Declaration states, that he detained the "*Bom Jesus dos Navigantes*" on the 17th day of July last, in or about Latitude 4. 0. North, and Longitude 4. 4. East; that she was sailing under Brazilian or Insurgent Portuguese Colours, with a Crew of 20 men and boys, 1 supercargo and 7 passengers, and having on board 280 slaves (being 73 more than allowed by Passport); that these slaves consisted of 114 men, 80 women, 54 boys, 30 girls, and 7 infants.

Joao Pereiro, the Master, in answer to the standing Interrogatories, deposed, that he took on board the whole of the present cargo of slaves at Molembo; that he touched at Piccaniny, Elmina, Popoe, and Lagos, for the purpose of purchasing provisions and a canoe; that he does not understand navigation. In answer to special Interrogatories, he states, that Molembo and Onim are different places; thinks Molembo is close to Benin; does not know the Latitude North or South, or Longitude, where he took the slaves on board; slaves had been embarked 15 days when the Vessel was captured; had been three days from Onim when captured; a Spanish Schooner took all his corn and beans, which obliged him to go to Onim, having no money at any other Port; left his outward Cargo there; Spaniard boarded them close to the land, when he was going to Molembo from Onim, but did not know the Latitude or Longitude; did not know the day he arrived at or sailed from Molembo; left Onim for Molembo on the 24th of May; was 8 days on the passage; never purchased a slave at Onim, or in the Bight of Benin.

Gregorio Narciso, Cooper on board this Vessel, in answer to the standing Interrogatories, stated, that the Vessel went direct from Bahia to Molembo, and touched at no other Port; that the Slaves and the Canoe were purchased there. To the special Interrogatories,—Molembo and Onim are different places; does not know if Molembo is in the Bight of Benin, or the Latitude North or South where the slaves were taken on board, or how many days the slaves had been embarked, or had been at Sea previous to capture; could not tell why they were so far to the Northward; stated that a Spanish Vessel took from them a part of their beans, corn, and

farinha; went straight to Molembo, did not purchase provisions there, but after leaving Molembo they came close to the Bight of Benin to purchase beans, &c. there being none at Molembo.

Louis Ferrara, a seaman belonging to this Vessel, in his examination, stated, that the Vessel touched at Elmina for water, at Popoe for wood, at Onim to land the whole of the tobacco, and at Molembo to deliver the remainder of the cargo; that the whole of the slaves were taken on board at Molembo.

An Affidavit of 3 of the slaves, found on board of this Vessel, was produced on the part of the Captors, (the men having been sworn before the Registrar, according to the custom of their Country, to speak the truth,) state, that they were all sold at a Place called Aco to the Master of the "Bom Jesus dos Navegantes"; that Aco is a Town in the middle of a large Lake, fresh in the rainy season, and salt in the dry season; that they were first put into Coromantin or Fantee Canoes, manned by Fantee men, then into a Sloop Boat, which carried them across the bar, where the surf was great and the water broke very heavy, to the "Bom Jesus dos Navegantes"; that they never saw land from the time the Vessel sailed until after she was captured, and that they were only 5 days on board before the capture took place.

Six more of the slaves were examined upon special Interrogatories put by order of the Court; they all state that they were embarked at a Place called Aco, and that they were only 5 days on board previous to the capture of the Vessel.

The Court having duly considered the fact of this Vessel being found so far to the Northward of the Equator, the prevaricating testimony of the Master and two other Witnesses, with the pretence of not knowing the Latitude of Molembo from whence the slaves were taken on board, the proof afforded by the Log-books, and the concurring testimony of the slaves, did not hesitate to pass Sentence of Condemnation of the Vessel, and decree the Emancipation of the Slaves, on the 14th of September 1825.

(Signed) GEO. RENDALL.

#### No. 34.

*George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2, 1826.)*

SIR,

*Sierra Leone, November 21, 1825.*

I HAVE the honour to enclose, for your information, the Report of the Case of the Brazilian Schooner "*Uniao*," Jozé Ramos Gomis, Master, sent into this Harbour for adjudication on the 21st of October last, having been detained on the 9th of the previous Month by His Majesty's Ship "*Atholl*," commanded by Captain James Arthur Murray, (His Majesty's Ships "*Esk*" and "*Redwing*" in company), having on board 361 slaves, all of which were stated by the Master and Mate to have been taken on board from the River Lagos, 112 of which died on their passage up to this Place.

The proof of illicit Slave-trade being so clear, (Lagos lying in about Latitude 6. 10. North), the Court passed Sentence of Condemnation on the Vessel, and decreed the Emancipation of the surviving Slaves, on the 4th of November 1825.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) GEO. RENDALL.

#### Enclosure in No. 34.

*Report of the Case of the Brazilian Schooner "Uniao," Jozé Ramos Gomis, Master.*

THIS Vessel arrived in the Harbour of Freetown on the 21st of October 1825, with 249 Slaves on board, consisting of 138 men, 25 women, 53 boys, and 33 girls; 112 having died since capture on the passage up to this Port, as stated in the Affidavit of Mr. Rowe, Prize-Master, who deposes that they died principally from small-pox and dysentery; that no Surgeon was on board, but that the greatest care was taken of them. Mr. Shower, the Surgeon attached to the Mixed Commissions, visited the Vessel immediately on her arrival, and reported 11 cases of small-pox, and several of dysentery, then remaining. It was deemed expedient to place the Vessel under Quarantine Regulations, and precautionary measures were taken in the landing of the slaves, by which all contagion was happily avoided. On the same day the Ship's Papers were brought into Court duly authenticated, with the Declaration of Captain J. A. Murray, of His Majesty's "*Atholl*." A Monition was issued on the 22d of October, calling upon all Persons having, or pretending to have, any right or interest in the "*Uniao*" and slaves, to appear and make claim, which was returned on the 31st of October, certified as having been duly served.

By the Royal Passport, No. 16, dated at Bahia, the 14th of July 1825, it appears that the "*Uniao*" is of the burthen of 118 tons, and therefore authorized to carry any number of slaves not exceeding 295 at one time; that Vincente de Paulo e Silva was the Owner, and that she was bound to the Ports of Molembo, from whence she was to return to any of the Ports of the Empire.

Captain Murray's Declaration states, that, on the 9th of September 1825, being in or about Latitude 2. 33. North, Longitude 4. 17. East, he detained (His Majesty's Ships "Esk" and "Redwing" in company) the Schooner "Uniao," sailing under Brazilian Colours, armed with 2 guns, six-pounders, commanded by Joseph Gomez, who declared her to be bound from Lagos to Bahia, with a Crew consisting of 24 men and 1 boy, having on board 361 slaves; said to have been taken on board at Lagos on the 1st of September, viz: 217 men, 30 women, 80 boys, and 33 girls.

The Master, Joze Ramos Gomis, deposes, that 364 slaves were taken on board the "Uniao" during the voyage, all of whom were shipped at the River Lagos. The Vessel was captured near Princes Island. The Mate, Jozé da Rosa, in his Deposition, gives the same evidence. The Case of illicit Slave-traffic being thus clearly proved, (the River Lagos being in about Latitude 6. 10. North), the Court passed Sentence of Condemnation on the Vessel, and decreed the Emancipation of the Slaves, upon the 4th day of November 1825. (Signed) GEO. RENDALL.

## No. 35.

*George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)*

SIR,

Sierra Leone, January 10, 1826.

I HAVE the honour to enclose, for your information, a Report of the Case of the Brizilian Brig "*Paqueta de Bahia*," Bento Francisco de Carvalho, Master, detained by His Majesty's Brig "*Swinger*," J. C. Giles, Acting Lieutenant, Commander, off Accra, on the 22d of November 1825, with 386 Slaves on board, all of whom, the Master stated, were shipped at Whydah. The Court passed Sentence of Condemnation of the Vessel, on the 10th of January 1826, and decreed the Emancipation of the Slaves.

I have the honour to be, &amp;c.

*The Right Hon. George Canning,*

(Signed)

GEO. RENDALL.

&amp;c. &amp;c. &amp;c.

## Enclosure in No. 35.

*Report of the Case of the Brazilian Brig, "Paqueta de Bahia," Bento Francisco de Carvalho, Master.*

THIS Vessel arrived in Sierra Leone Harbour, on the 23d of December 1825, with 385 slaves on board, consisting of 145 men, 97 women, 79 boys, and 64 girls.

On the same day Mr. Burnett, the Prize Master, brought into the Registry the Declaration of the Captors, and deposed that he boarded the Brig "*Paqueta de Bahia*," but found no Papers, the same having been taken by the Spanish Schooner "*Matilda*," John Segrera, Master, as appears by a Certificate, signed by the Master and Mate of the said Brig, and annexed to Mr. Burnett's Deposition.

The Declaration of the Captor states, that His Majesty's Brig "*Swinger*," J. C. Giles, Acting Lieut. Commander, detained the Brazilian Brig "*Paqueta de Bahia*," on the 22d of November 1825, in Latitude 5. 15. North, and Longitude 0. 30. East, commanded by Bento Francisco de Carvalho, with 386 slaves on board, shipped at Whydah.

The Master, in answer to the standing Interrogatories, deposed, that Manoel Joaquim de Almeida, the Supercargo, gave him the command of the Vessel at Molembo, about 8 months ago. She sailed under Brazilian Colours; the name of the Vessel is the "*Paqueta de Bahia*," is about 200 tons burthen, the present voyage began at Bahia, and was to have ended there, it was the last clearing Port sailed from; the Vessel anchored at Lagos and Molembo during the voyage, in which she was taken, and took on board at Molembo 388 slaves, of which he was plundered by the Spanish Schooner "*Matilda*," as also of his Ship's Papers, on his way from Molembo to Bahia. He then went to Whydah, where he took on board the present Cargo; that Joao Victa Moreira and Manoel Jozé de Maghalaens, were the Owners of the said Vessel; Francisco Felis de Sousa is the Lader of the slaves on board, Joao Victa Moreira Manoel Jozé de Maghalaens, himself, the first Pilot, and some of the Passengers are the Owners and Consignees of them; says 387 slaves were taken on board, all of them at Whydah, 1 died previous to capture, and 1 since; he ordered the remaining Ship's Papers to be thrown overboard, when the Man-of-War's Boats were about to board the Vessel.

Braz Riberio de Moreira, the Doctor belonging to this Vessel, in his Answers to the standing Interrogatories, confirmed the material points of the Master's evidence.

The case of illicit Traffic being thus clearly proved, and no Claim having been made, the Court passed Sentence of Condemnation of the Vessel, and decreed the Emancipation of the Slaves, on the 10th of January 1826.

(Signed)

GEO. RENDALL.

No. 36.

*His Majesty's Commissioners to Mr. Secretary Canning.—*  
(Received June 2.)

(Extract.)

*Sierra Leone, March 21, 1826.*

WE have been honoured with your Despatch of the 5th December last, with Copy of a Note from the Marquis Palmella, announcing that His Most Faithful Majesty had judged it proper to remove M. Altavilla from the Office of Commissary Judge in the Mixed Court of Commission established at this Place.

The Letter addressed to M. Altavilla by M. de Palmella, and which accompanied the said Despatch, was delivered into the hands of M. Altavilla on the 10th of February, the day on which it was received.

We have been careful, Sir, in adopting such measures, conformably to the Stipulations of the Convention, so that the Service, with which the Commission is entrusted, will not suffer from the recall of M. Altavilla.

(Signed)

JOHN TASKER WILLIAMS.  
GEO. RENDALL.

*The Right Hon. George Canning,*  
&c. &c. &c.

No. 37.

*His Majesty's Commissioners to Mr. Secretary Canning.—*  
(Received June 2.)

SIR,

*Sierra Leone, March 21, 1826.*

WE have the honour to acknowledge the receipt, on the 15th of last Month, of your Despatch of the 12th of January last, with its several Enclosures, transmitted for our information and guidance, being Copies of a Correspondence which has recently passed, upon the subject of a practice which has prevailed on the part of the Authorities in Brazil, to grant permission to Slave-vessels to touch at other Ports and Places than those which, by Treaty, they are allowed to enter.

These Documents are very gratifying to us, as they tend to lighten in a considerable degree the difficulties that we might feel in the Adjudication of Vessels detained for trafficking in slaves, and sailing under the Brazilian Flag.

In a Case which is not yet decided, but which is now occupying the attention of the Court, and on which we shall have the honour to report to you in a few days, one of the grounds on which the Claimant founds his claim, is the circumstance of the Brazils having been recognized as an Independent State, or Kingdom, by Portugal.

We hope soon to have the satisfaction to learn that the Lords Commissioners of the Admiralty, will have issued Instructions to the Officers of His Majesty's squadron on this Coast, in accordance with the application from your Department, because we are convinced their tendency will be most materially to cripple the facilities of the Parties interested in the furtherance of this most abominable Traffick.

We have the honour to be, &c.

(Signed)

JNO. TASKER WILLIAMS.  
GEO. RENDALL.

*The Right Hon. George Canning,*  
&c. &c. &c.

## No. 38.

*His Majesty's Commissioners to Mr. Secretary Canning.—*  
(Received June 2.)

SIR,

Sierra Leone, March 21, 1826.

WE have had the honour to receive your Despatch of the 13th January, with its Enclosures, being Copies of a Correspondence which has passed between yourself and His Majesty's Consul at Bahia, on the subject of Charters which had been offered to English Vessels, to proceed from that Port to Places in Africa, North of the Line. We return thanks to you, Sir, for this communication.

As the name of the Brig, "*George and James*," appears in Mr. Consul Pennell's Despatch of the 5th of November 1825, it may not be considered irrelevant to make a few observations regarding this Vessel, inasmuch as they will tend to shew how just is the view which was taken as to the object of the Parties who employed her.

A Person of the name of Dollond, came out to the Coast of Africa as Master of the "*George and James*," then the property, or said to be so, of Matthew Foster and Co. of London; he proceeded to Whydah, and there sold the Vessel to a Mr. Ramsay, who was his first Mate. Ramsay takes her to the Brazils, ships the Cargo stated in Mr. Consul Pennell's Letter, and proceeds back again to Whydah, where a considerable portion of such Cargo was distributed to several Vessels, which were, on that part of the Coast, trading for Slaves.

It is supposed that De Souza, the notorious Portuguese Slave-trader, who for so many Years has resided at Whydah and its vicinity, was the real Owner; that he furnished Ramsay with the dollars with which the Vessel was purchased, and that in reality, he (Ramsay) was only the nominal Owner, placed in command of her by De Souza, to protect his property by giving a false colour to the transaction. Ramsay died shortly after the return from Brazil. The Vessel was taken by His Majesty's Ship "*Atholl*," at, or off, Whydah, brought to Sierra Leone, tried under the Consolidated Slave-trade Abolition Act, in the Court of Vice-Admiralty, and condemned under the 4th Section of the said Act, the 17th day of October 1825.

We have the honour to be, &c.

(Signed)  
*The Right Hon. George Canning,*  
&c. &c. &c.

JOHN TASKER WILLIAMS.  
GEO. RENDALL.

## No. 39.

*His Majesty's Commissioners to Mr. Secretary Canning.—*  
(Received June 2.)

(Extract.)

Sierra Leone, March 25, 1826.

WE have the honour to send you, enclosed, a Report of the Case of the Brazilian Brigantine, "*Sam Joao Segunda Rosalia*," Amara Jose da Silva, Master, captured by His Majesty's Ship "*Atholl*," Captain James Arthur Murray, on the 28th November 1825, in Latitude 3. 31. North, Longitude 0. 54. East, having on board 258 Slaves.

This Vessel arrived at Sierra Leone the 9th February, and was tried and condemned in the British and Portuguese Court of Mixed Commission on the 21st instant.

Captain Murray, in his Declaration, states, that the Master acknowledged the Slaves to have been shipped at Lagos. This Man, unfortunately, died pre-

vious to the arrival of the Vessel here. The Examinations, however, of some of the most intelligent of the Slaves, proved satisfactorily, that Lagos was the Place from whence they were shipped. For more minute particulars we beg to refer you to the Report.<sup>1</sup>

It is distressing to us to have again to observe, that a system of the grossest perjury prevails to a great extent, in the evidence given by many of the Parties concerned in slave transactions, who are examined on the standing Interrogatories. We feel this to be a most serious evil, and should be most desirous to check its progress, were we satisfied as to the extent of our power to do so.

(Signed) JOHN TASKER WILLIAMS.

*The Right Hon. George Canning,*  
*&c.                      &c.                      &c.*

#### Enclosure in No. 39.

#### *Report of the Case of the Brazilian Brigantine, "Sam Joao Segunda Rosalia," Amara Jose da Silva, Master.*

THIS Vessel was detained by His Majesty's Ship "Atholl," Captain James Arthur Murray, on the 28th day of November 1825, who, in his Declaration states, that, being in or about Latitude 3. 31. North, Longitude 0. 54. East, he detained the Brigantine "Sam Joao Segunda Rosalia," sailing under Brazilian Colours, commanded by Amara Jose da Silva, who declared her to be bound from Lagos to Bahia, with a Crew consisting of 18 men, 3 boys and 3 passengers, and having on board 260 slaves, said to have been taken on board at Lagos.

This Vessel arrived here on the 9th February, after an unusually protracted passage of 65 days, when scarcely a hope of her safety remained, and it was dreaded that she had shared the same fate as the unfortunate "Teresa." During this time 72 of the miserable beings on board died, principally, as is stated in an Affidavit of Mr. Richard Musgrove, the Midshipman in charge, "from want of food, the said Vessel being only provisioned for 30 days, and that, after the greater part of the provisions were out, they were put on an allowance of  $\frac{1}{2}$  a pint of farina, and  $\frac{3}{4}$  of a pint of water per day."

A Monition was prayed for and granted on the 9th February, and on the same day, a Petition was made to the Court, to be allowed to land the slaves, in consequence of their being much reduced by famine and sickness, which was immediately acceded to, the Court feeling most anxious to relieve, as far as lay in its power, the wretched sufferers,—and most miserable indeed was the spectacle that presented itself on their being landed.

It appears that this Vessel cleared out from Bahia for Molembo on a trading voyage for Slaves, and her Passport is dated the 6th of May 1825. In this Document it is stated, that "the said Amara Joseph da Silva, Master, and Emanuel Francisco Moreira, Owner, of the said Vessel, are under an obligation to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted,"—yet, on the 23d of July 1825, she was boarded by the Boats of His Majesty's Ship "Atholl," at Lagos, trading—and also by the Boats of His Majesty's Ship "Maidstone," on the 6th of October 1825, at the same Place; as appears by the Indorsements of the Boarding Officers, on the back of the said Passport.

No Log was found on board at the time of capture; but it appears by the Declaration of the Captor, that the Master, Da Silva, acknowledged the Vessel was bound from Lagos to Bahia. This person died on the passage to Sierra Leone, otherwise there is just ground for believing, that more particulars of the proceeding in this illicit voyage, would have been elicited.

The first Pilot and Supercargo, Prudencio Vidal de Albuquerque Vianna, and Manoel Gonsalves Coelho, Boatswain, being examined, on the usual Interrogatories declare, that the voyage commenced at Bahia for Molembo, and that the Brigantine went to Lagos to repair a leak she had sprung, and during her stay there, some trade was carried on by exchanging tobacco for cloths, for the Molembo Market; from which Place she went direct to Molembo, in South Latitude, where the Cargo of Slaves on board was shipped from the Shore. Prudencio Vidal de Albuquerque Vianna also declared, that after leaving Molembo, both the Master and himself were attacked with fever, and were confined to their beds; the second Mate, (the above-named Manoel Gonsalves Coelho), then took charge of the Vessel, and he knew nothing about Navigation. The day before the Vessel was taken, was the first day he had been able to go on deck—and then, for the first time, he took an observation, and found the Vessel was in 3. North Latitude, having then been out 14 days, without any other proof of such being the fact than their own unsupported declarations. Under these circumstances, 6 of the most intelligent slaves taken on board were examined, and they all declared, they were shipped at "Eco," which is the Native name for Lagos;—one, more intelligent than the rest, named Dalla, declared, "that, the name of the Place where he was shipped on board the aforesaid Brigantine, "is Eco." Eco is 9 days march from Benin; knows Badaggery, and it is 5 days march from Eco; that Eco is between Badaggery and Benin; saw the Ship by which the Brigantine was taken, on the 7th day after leaving Eco, and they were captured on the 9th day.—The whole of the slaves on board the captured Brigantine,



were taken on board at Eco, and they were all shipped in one day; he also states, he lived at Eco (Lagos) 3 Years; and has been at Badaggery, from 'Eco,' which he knows well."

Prudencio Vidal de Albuquerque Vianna, being again examined as to the Latitude and Longitude of Molembo, that he stated that the slaves were shipped on board at, declared it to be in 5 30. South and 13. East of the meridian of London, *but contumaciously refused to point out the place upon the Chart.* That this individual most grossly perjured himself is beyond doubt. This practice, which is much to be regretted, seems too frequently to obtain.

After having fully considered this Case, and taking into view that part of the Treaty which states, that "the proof of the legality of the voyage shall rest with the Claimants of Vessels, when taken to the Northward of the Line;" and no such proof being exhibited, the suspicious circumstance of no Log being on board, to account for the Vessel's course and proceedings, together with the Declarations of the Slaves, which left not a doubt as to the Place of shipment:

The Court condemned the said Brigantine as lawful Prize, and as taken in such illicit Traffic by His Majesty's Ship "Atholl," Captain J. A. Murray, and pronounced 258 slaves to have been taken on board at the time of capture, and emancipated the survivors, amounting in number to 186,—72 having died before adjudication.

(Signed) JOHN TASKER WILLIAMS.  
GEO. RENDALL.

Sierra Leone, March 25, 1826.

### No. 40.

*His Majesty's Commissioners to Mr. Secretary Canning.—*  
(Received September 2.)

SIR,

Sierra Leone, June 10, 1826.

WE have the honour to enclose an Abstract of the Case of the Sloop "Esperança" Joao Baptiste Lopes. This Vessel, the burthen of which is only 40 tons, was furnished with an Imperial Passport, authorizing her to proceed from Pernambuco to Molembo, for a Cargo of Slaves.

She was detained in the River Benin on the 4th of March, by His Majesty's Ship "Esk," Captain William Jardine Purchas, and sent here for adjudication.

On the 8th of June she was condemned in the British and Portuguese Court of Mixed Commission:—for the particulars, we beg your reference to the Report. We have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.  
D. M. HAMILTON.

The Right Hon. George Canning,  
&c. &c. &c.

### Enclosure in No. 40.

*Report in the Case of the Sloop "Esperança," Joao Baptiste Lopes, Master, sailing under Brazilian Colours.*

THIS Vessel was detained by His Majesty's Ship "Esk," William Jardine Purchas, Esq. Commander, on the 4th of March last, in Latitude 5. 43. North, Longitude 5. 25. East, and arrived in this Harbour on the 3d of May.

On the following day (the 4th) the Papers in this Case were delivered into the Registry by the Prize-Master, Mr. George Herbert, a Midshipman of His Majesty's Ship "Esk," who, in his Affidavit, declares, that the said Papers were received by Captain Purchas from the first Pilot of the "Esperança." On the same day the Court was petitioned that a Monition might issue, the Prayer of which was granted.

On the 8th, an Affidavit of Mr. Richard Borough Crawford, Admiralty Mate of the "Esk," was filed, accounting for the absence of the Master of the "Esperança." He deposed, that being in a Boat of His Majesty's said Ship, he boarded the said Sloop in the River Benin, and found her in charge of Jozé Carneiro dos Santos, first Pilot, who informed the Deponent that the Master, Joao Baptiste Lopes, was on shore at a Place called Gato, purchasing slaves.

The Captor, in his Declaration, sets forth, that he detained the Sloop "Esperança," under Brazilian Colours, on the 4th of March 1826, being then at anchor in the River Benin, commanded by Jozé Baptiste Lopes, but who was then absent from the said Sloop; that Jozé Carneiro dos Santos, the Pilot, stated to him, the Declarer, that the intended destination of the "Esperança" was from Benin to Pernambuco; and further declared, that 36 slaves were landed from the Sloop, when the Boats of His Majesty's Ship were in sight. The Declaration also states, that 4 slaves were intercepted in the attempt of the Sloop's Boat to land them, and brought back to her.

The Monition was returned into the Registry, certified as having been duly served, on the 22d. On the 8th of June the Case was adjudicated.

The acknowledgment of Jozé Carneiro dos Santos, the Pilot, in his examination of the illegal pursuit in which this Vessel was employed, a similar statement made by the Cabin-boy, Manuel Joaquim de Brito; and the fact of her having been found actually engaged in the Traffick in Slaves on a part of the Coast of Africa, where the Slave-trade is not permitted to the Subjects of The Emperor of Brazil, being clear and manifest; the Commissioners, without hesitation, condemned her as lawful Prize to the respective Governments.

Sentence of Condemnation was accordingly passed against her, and the slaves, 4 in number, were decreed to be emancipated. (Signed) JOHN TASKER WILLIAMS.

Sierra Leone, June 10, 1826.

D. M. HAMILTON.

### No. 41.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received Sept. 2.)*

SIR,

Sierra Leone, June 10, 1826.

WE have the honour to transmit with this Despatch, for your information, a Report of our Decision in the Case of the Brazilian Brigantine "*Netuno*," Jozé Claudio Gomes, Master.

This Vessel was detained in the River Benin, on the 4th of March, and her condemnation was decreed, and her slaves emancipated, on the 8th instant.

In a late Despatch we acquainted you that the "*Netuno*," on her passage to Sierra Leone, had fallen in with, and being obstructed, had engaged a Brig under the Spanish Flag.

In conformity with the intention we then expressed, we made particular enquiry into the circumstances of this affair; and, in order, Sir, to put you in full possession of the facts, we deem it the better method to enclose Copy of a Memorandum which was made, at our request, by Mr. Crawford, the Prize Master, and which contains, in addition to the detail, a particular description of the Brig.

We certainly think that this young Officer deserves much credit for his cool and determined conduct on this occasion, particularly when the very small number of which his crew consisted, and the manner in which the Schooner was armed, as contrasted with the Pirate, be considered.

The escape was most fortunate; for had they succeeded in the detention, the consequence, in all probability, would have been most disastrous.

One shot from the Brig penetrated the hull of the "*Netuno*," and killed one unfortunate female slave in the hold.

We have the honour to be, &c.

(Signed) JOHN TASKER WILLIAMS.

D. M. HAMILTON.

*The Right Hon. George Canning,*  
&c. &c. &c.

### First Enclosure in No. 41.

*Report of the Case of the Brigantine "Netuno," Jozé Claudio Gomes, Master, sailing under Brazilian Colours.*

THIS Vessel arrived in the River Sierra Leone on the 5th of May, under charge of Mr. Richard Borough Crawford, Admiralty-Mate of His Majesty's Ship "*Esk*," having on board, according to the Marshal's Report, 84 slaves. On the following day (the 6th) the Papers were filed in Court, and on the same day a Monition was prayed and granted.

The Declaration of William Jardine Purchas, Esq., Commander of His Majesty's Ship-of-War "*Esk*," sets forth, that, on the 4th day of March 1826, he detained, in the River Benin, the Brigantine "*Netuno*," (being at anchor there under Brazilian Colours,) Jozé Claudio Gomes, Master, who declared that the said Brigantine was bound from the River Benin to Pernambuco.

The Captor further declares, that when the said Vessel was boarded, 72 slaves were found on board of her; and he further states, that the Brigantine was supplied with provisions and water for 50 days, for the Negroes and Crew for the intended voyage.

The Declaration also states, that on the appearance of the Boats of the "*Esk*," a number of slaves in Canoes and in Boats were landed from the "*Netuno*," that one of the Boats so employed was intercepted in attempting to land, and brought back to the Brigantine; the Boat contained 20 Negroes, viz: 1 woman and 19 boys and girls.

It is also set forth in the Declaration, that a statement was made to the Captor by the aforementioned José Claudio Gomes, that the number of slaves on board the Brigantine, when the Boats of the "Esk" were in sight, amounted to 150—58 of whom they succeeded in landing.

On the 8th, an Affidavit of Mr. Richard Borough Crawford, the Officer in charge, was made and filed, setting forth that 7 of the slaves had died on the passage, and that 1 had been killed in the hold of the said Vessel on the 20th of March, (being then in Latitude 0 5. North, Longitude 1. 2. East) by a shot from a Vessel, which is designated in the Affidavit as a piratical Brig.

The Monition was returned as duly served on the 22d, and the 29th of May was appointed for the Adjudication of the Case, but the indisposition of His Majesty's Commissioner caused it to be delayed until the 8th of June, when it took place.

José Claudio Gomes, Master of the Brigantine "Netuno," in his Examination upon the Interrogatories, deposed, that Francis Jacinto Pereira, a resident of Pernambuco, is the Owner of the "Netuno," that she was provided with an Imperial Passport to carry slaves to Molembó (under the usual restrictions and conditions;) that he proceeded from Pernambuco to the River Benin, which was the only Place where he anchored during the voyage in which he was taken. Francisco Pereira, the Deponent himself, the Pilot and the Boatswain were the Owners of the slaves. Himself had 10 slaves, the Pilot 3 and the Boatswain 2. They were all taken on board from the Shore at Bohce, in the River Benin. 158 slaves were taken on board from the commencement of trading until the appearance of the Boats of the capturing Ship. When they were found to be approaching, the Natives of Bohce came off in their Canoes, and took as many of the slaves out of the Brigantine as they could, but he knew not how many.

The testimony of Francisco Antonio Gomes, Cabin Boy, and Pedro José Gomes, Cook, confirmed, in most particulars, the previous Statement.

The slaves on board the Brigantine "Netuno," being thus acknowledged to have been shipped in the River Benin, to the Northward of the Equator, the fact of illicit Traffick was manifest.

Sentence of Condemnation was accordingly passed against her, and her slaves were decreed to be emancipated. His Majesty's Commissioners decided the number taken to be 92.

(Signed) JOHN TASKER WILLIAMS.  
D. M. HAMILTON.

Sierra Leone, June 10, 1826.

## Second Enclosure in No. 41.

### *Brazilian Vessel "Netuno," of 75 Tons.*

(Memo.)

Sierra Leone, May 11, 1826.

The "Netuno" was detained by the Boats of His Majesty's Ship "Esk," in the River Formosa, on the 4th, and sailed from thence on the 6th of March, in company with the Brazilian Sloop "Esperanza," captured at the same time.

Sloop parted company in the night, in consequence of her superiority in sailing.

Contrary winds endeavouring to get to the westward till March 20, when at 3 P. M. in Latitude 1. 30. North, and Longitude 1. 31. East, by account, observed a Vessel in the S. E., standing towards us under all sail; 3. 50., Stranger fired two guns, prize hoisted an English Ensign; 4., Big, S. E. 2 miles, thought she was a Man of War. At 4. 50., Stranger 1 mile, tacked, stood towards her and shortened sail; at 5. observed Stranger shorten sail, and that she was not an English Man of War.

At 5. 10. filled, and in hoisting fore-top-mast studding sail, Stranger fired at us, then no Colours flying, but immediately after hoisted French Ensign and Pendant, beat retreat with drum, and lowered 5 ports a-side, hove to for her a second time; Stranger, when within 40 or 50 yards, hove to, (used a boatswain's call,) hailed Prize in English, and lowered a boat.

At 5. 20. P. M. boat came alongside with the Captain and 4 men, who asked whether we had slaves? also several other questions in Spanish and broken English. The Captain could not speak French, and on my remarking it to an English Interpreter, one of his Boat's-crew, at the same time observing that Brig was not a French Man-of-War, he replied that she was, but that the Captain was a Spaniard; and on my further interrogating him, the Captain, who had previously used threatening language, both Spanish and English, repeatedly ordered me into his Boat with Papers, &c. &c. I was often pointing to the Ensign, told him, Vessel was prize to an English Man-of-War, that I had no Papers for him, neither would I go into his Boat, adding again that she was not a French Man-of-War, and that he himself was a Spaniard. He, in a menacing manner and tone, said, I am a Spaniard from the Havannah, Brig "Carolina;" into the Boat immediately; pronto, pronto, &c. &c., and concluded by ordering me to be silent, and his men to board: I dared them at their peril, told them to remain, and that the Papers should be produced. Now seeing the necessity of acting promptly, knowing with whom I had to deal, and resolving not tamely to give up my charge, I brought a brace of pistols, the only small arms in Prize, and supplied by the "Esk," and three distinct times asked the Captain and Interpreter whether he still remained determined to have me in his Boat with my Papers, &c., and finding him increase in abuse and threatening language, I shot the Captain and Bowman, and made the the remainder of Boat's-crew jump overboard; holding by the gunwale they regained their Boat, and pulled to their Vessel.

The Pirate commenced firing 5 guns in the broadside, round and grape, returned by the Prize within from 30 to 50 yards, with one six-pounder carronade, round shot and cannister, from 5. 30. till 7. 15 P. M., when, observed, Pirate's Crew leave their guns and retreat forward; fired amongst them, Pirate ceased firing and hauled her wind; her gang-way ports in one, and part of fore-castle bulwark knocked down; we had at this time only 4 cartridges left.

SIERRA LEONE: (Portugal and Brazil.)

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The "Netuno's" Crew are 6 in number, she is armed with 2 six-pound carronades, 1 brace of ships' pistols, and 6 slave cutlasses; she has sustained considerable damage in sails and rigging, main-gaff wounded, trysail gaff shot away; also tack of fore-topsail, one shot between wind and water.

The slaves, 92 in number, were below during the contest, and fortunately escaped with only 1 woman killed, and one girl wounded.

The Pirate brig is pierced for 20, and mounts 10 guns, has a top gallant forecastle, is painted with 2 white streaks to a billet head; ports true up, the inside of which are painted red, a large boat on booms, covered with tarpauling awning, and, from the noise and confusion during the contest, must have had a cargo of slaves.

(Signed)

R. B. CRAWFORD, Prize Master.  
Admiralty Mate, His Majesty's Ship "Esk."

No. 42.

*His Majesty's Commissioners to Mr. Secretary Canning.*—(Received Sept. 2.)

SIR,

*Sierra Leone, June 10, 1826.*

WE have the honour to enclose the Report of the Case of the Brazilian Brig "*Activo*."—This Vessel was seized by His Majesty's Ship "Atholl," Captain James A. Murray, on the 1st of February last, in Latitude 4. 24. South of the Equator, and Longitude 9. 37. West of London, and brought into this Port for Adjudication on the 17th of the same Month, with 164 slaves on board. Condemnation of the Vessel and Emancipation of the Slaves was prayed in the British and Portuguese Court of Mixed Commission, on the plea of her having carried on an illicit Traffick in Slaves to the North of the Equator, which plea was fully substantiated by proof, but it was acknowledged by the Captors that she was seized to the South of the Equator; and it appearing to us a Case exactly similar to that of the "*Sinceridade*," the principles of which have been so fully and ably investigated and reported on by our Predecessors, and whose Decision in that Case you were pleased to express your approbation of, we therefore decreed the restoration of the Vessel and Slaves, and referred it to the Registrar, to ascertain the amount of the costs, damages, and expences.

The Slaves in this Case quitted the Vessel a few days before the Adjudication took place; it has been reported to us, that they revolted against the Persons who were on board, and forcibly seized the Boats, and came on Shore, and they were taken possession of by Mr. Cole, the Collector of the Duties, on the part of the Colonial Government.

Mr. Lake, the Agent for the Captors, states, that he applied to Mr. Macaulay, the Acting Governor, on finding that the Colonial Government had taken possession of the Slaves, praying that they might be given up to him; upon which Mr. Macaulay observed, that no Slaves could be given up after being once landed in the Colony. It has, therefore, become a question now, whether the Captor should be adjudged to pay the value of those Slaves or not: the Proctor for the Claimant insists that the value of the Slaves must be awarded, because it was through the Captors not taking reasonable precaution that they mutinied and came on Shore. Mr. Macaulay having left the Colony for the Gambia, almost immediately after the revolt of these Slaves, we have had no communication with him on the subject. We shall not fail, Sir, as soon as this Case is finally closed, to make a further Report on it.

We have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.  
D. M. HAMILTON.

*The Right Hon. George Canning,*  
&c. &c. &c.

## Enclosure in No. 42.

*Report of the Case of the "Activo," José Pinto de Araujo, Master.*

THIS Vessel, under Brazilian Colours, being on her voyage to Pernambuco from Badagry in the Bight of Benin, in Latitude 6. 20. North, and Longitude about 4. East, was captured on the 1st of February last, in Latitude 4. 24. South, and Longitude 9. 37. West, with 166 slaves on board, by His Majesty's Ship "Atholl," James A. Murray, Esq. Commander, and was sent to this Place for Adjudication, where she arrived on the 17th day of February following, with 164 of those slaves; to wit—100 men, 20 women, 31 boys, and 13 girls, all in good health, except 7 of them, who were suffering from wounds and diarrhoea; the Master, 2 Cooks, and a Boy of her Crew, were also sent in her. On the day following (the 18th) the Ship's Papers, an Affidavit of Lieutenant Stephens, the Prize Master, and the Declaration of Captain James Murray, were brought into the Court by Mr. Lake for Mr. Macaulay, the Agent and Proctor for the Captors.

Among the Ship's Papers is a Royal Passport, (numbered 309) dated at Pernambuco, the 17th of August 1825, granted to Jozé Carlos Marink da Silva Ferrao, President of the Province of Pernambuco for His Imperial Majesty.—It is stated in this Passport; "that the Vessel called "Activo" is 149 tons burthen, and carries 15 men; that Jozé Pinto de Araujo is the Master, and that Antonio de Oliveira, Jozé Antonio de Oliveira and Co. are the Owners; that they are Brazilians, and Subjects of the Brazilian Empire; that she is bound for the Port of Molembo on the Coast of Africa, calling at Bahia and returning to Pernambuco; that the said Master and Owners are under an obligation to enter solely such Ports on the Coast of Africa, where the Slave-trade is permitted to the Subjects of The Emperor of Brazil."

In his Declaration, Captain Murray states, "that, on this 1st day of February 1826, being in about Latitude 4. 24. South, and Longitude 9. 37. West, he detained the Brig named the "Activo," sailing under Brazilian Colours, commanded by Jozé Pinto, who declared her to be bound from Molembo to Pernambuco, with a Crew consisting of 17 men, 2 boys, and 1 Supercargo, and having on board 166 slaves, said to be taken on board at Lagos, previous to the 9th of January 1826." The words underscored were apparently written at another time, and with different ink to the other part of the Declaration. He further states, "that the said Vessel appeared to be sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and Crew for their destined Voyage to Pernambuco."

Lieutenant Stephens, in his Affidavit, deposes, "that on the 1st day of February 1826, being in Latitude 4. 24. South, and Longitude 9. 57. West, they seized and detained the Ship or Vessel called the "Activo," whereof Jozé Pinto de Araujo was Master," thereby corroborating on oath the Declaration of Captain Murray, that the Vessel was seized to the South of the Equator.

It was not till the 6th of March following that Mr. Macaulay prayed the usual Monition, which was decreed and issued on the 8th, two days afterwards; and, on the 10th of March, Antonio Jozé, the Cook, and Marcellina d'Almeira, were brought in by the Captors, and examined on the General Interrogatories, the Master being at that time too ill to attend to be examined. Antonio Jozé, the Cook, swore positively to the slaves found on board being purchased and taken on board at Badagry, and although Marcelina d'Almeira did not positively depose the same thing, yet the inference drawn from his Examination left no room to doubt but that was the case; they both deposed to the "Activo" being a Brazilian Vessel, and under Brazilian Colours.

On the 13th of March a Claim was given in by Mr. Savage, the Proctor of Jozé Pinto de Araujo, the Master, for Francisco Antonio, an inhabitant and native of Pernambuco, for the said Brig, her tackle, apparel, furniture, goods, wares, merchandize, and 166 slaves, natives of Africa, and for the value of such slaves as had departed this life since the capture, and for all costs, charges, losses, damages, demurrage, and expences that had arisen, or should arise, by means of the capture and detention of the said Brig and her Cargo: and on the same day, and at the same time, Mr. Savage brought into Court the Affidavit of the said Jozé Pinto de Araujo, the Claimant, in which he deposes and saith, "that he is a Subject of His Majesty The Emperor of Brazil, and was Master of the said Brig at the time of the capture thereof by His Majesty's Ship "Atholl," James A. Murray, Commander; that the said Brig was so captured on the 1st day of February last, in the prosecution of her voyage from Molembo on the Coast of Africa, to Pernambuco in the Brazils, with a cargo consisting of 166 slaves, natives of Africa, and brought to Sierra Leone;" and he further saith, "that Francisco Antonio, of Pernambuco, a Subject of His Majesty The Emperor of the Brazils was, at the time of the said capture, and now is, the true, lawful, and sole Owner and Proprietor of the said Brig "Activo," her tackle, apparel, and furniture, and of the said cargo and slaves on board the same;" and he further saith, "that by the Certificate and Declaration of the Capturing Officer, the said Brig was not found to the North of the Equator, nor had she been chased from the North before being captured to the South;" and he further saith, "that the said Vessel and Cargo are further protected, from the circumstance of the Kingdom of the Brazils having been recognized as an Independent State or Kingdom by Portugal, through the mediation of Great Britain, and therefore, that the Slave-voyage on which the said Vessel was bound, was not an infringement of the Law of the New Empire, nor against the Law of Nations."

On the same day the said Master, having recovered from his indisposition, was brought in by the Captors, and examined on the General Interrogatories. He deposed, "that Francisco Antonio de Oliveira, who lives at Pernambuco, was the sole Owner of the Brig at the time she was seized; that 183 slaves were taken on board, from the time the trading for them commenced to the time of completing the cargo, and that they were all taken on board from the Shore at Molembo,

in 5. 30. South, and about 13°. East," (and he pointed out on the Chart 5. 30. South, and 11°. East, as the place.)

On the 27th of March, 6 of the slaves were examined by order of the Court, whose testimony clearly established the fact of their having been shipped on board at or near Badagry.

On the same day Mr. Savage brought in the Certificate given by Captain Murray, at the time of capture, to José Pinto de Araujo, which states, "that on the 1st day of February 1826, being in about Latitude 4. 24. South, and Longitude 9. 57. West, he detained the Brig named the "Activo," sailing under Brazilian Colours, commanded by José Pinto, who declared her to be bound from Mo'embo to Pernambuco, with a Crew consisting of 17 men, 3 boys, and 1 Supercargo, and having on board 166 slaves."

On the 12th of April the Court heard the Parties in this Case. Mr. Savage, for the Claimant, cited the Case of the "Sinceridade," adjudicated in this Court in the Year 1823, and argued that the present Case was exactly similar in principle to that, and therefore the Vessel and Slaves must be restored as claimed, with costs and damages.

Mr. Lake, on the part of the Captors, stated nothing that had not before been strongly argued in the Case of the "Sinceridade," reported in Class B, of Papers presented to both Houses of Parliament by Command of His Majesty, in 1824. He particularly insisted on the Treaty being entered into for the purpose of preventing illicit Traffick in Slaves; that the trading in Slaves to the North of the Equator was undoubtedly an illicit trading in slaves, which was clearly proved to have been done in this Case; and that, therefore, by the spirit of the Treaty, the Vessel ought to be condemned, and her Slaves emancipated.

On the 9th of May the Court proceeded to give Judgment, observing, that not the shadow of a doubt existed but that this Vessel had been engaged in an illicit Traffick in Slaves to the North of the Equator, the proof of which fact was extremely clear.

Her two Log-books most distinctly shewed, by the courses and distances entered in them, that she made the Coast of Africa in about 4. North Latitude.

An Endorsement of Captain Murray on the Royal Passport, uncontradicted by the Claimant, proved her to have been visited by that Officer in His Majesty's Ship "Atholl" off Elmina, on the 11th of November 1825, and to have been considerably out of the limits allowed by the Treaty, and specified in the Royal Passport, where she had permission to carry on a Traffick in slaves. The Depositions of the Cook, with those of the slaves, distinctly proved that the slaves were shipped at Badagry, and the Deposition of Marcellina d'Almeira tended strongly to establish the same fact. The Master indeed not only asserted, but most positively deposed on oath the contrary, but the Court was sorry to observe that no credit whatever could be given to his testimony: His Proctor did not venture distinctly to aver that the slaves were shipped on board at the real Molemba, which no doubt he would have done had there been any chance whatever of proving it. The Court therefore felt no hesitation in pronouncing that this Vessel had been engaged in the illicit Traffick in slaves at Badagry, in 6. 20. North Latitude, contrary to the Convention between Great Britain and Portugal, of the 28th of July 1817, and that it would be the duty of the Commissioners to decree Condemnation of the Vessel and Emancipation of the Slaves; did not the 4th Article of the Instructions intervene, a Copy of which Instructions are furnished to every British Ship of War employed to prevent the illicit Traffick in slaves, and form an integral part of the said Convention. This Article states, "That no Portuguese Merchantman or Slave Ship shall, on any pretence whatever, be detained, which shall be found near the Land or on the High Seas, South of the Equator, unless after a chase that shall have commenced North of the Equator."

By the construction put by the Court on this Article in the Case of the "Sinceridade," the right of visitation and search is limited on the part of the British to such Portuguese Vessels only as shall be found to the North of the Equator, or to the South thereof, in the event of a chase begun to the North. The fact that this Vessel was detained to the South of the Equator is acknowledged by the Captors. It is distinctly alleged by Captain Murray in his Declaration, and also in the Certificate he gave to the Master at the time of capture, and is as distinctly sworn to by his Lieutenant; no mention by them is made of any chase begun to the North of the Line.

The Claimant distinctly averred that the Vessel had not been chased from the North before being captured to the South, which assertion was not attempted to be contradicted on the part of the Captors, and must, therefore, be taken to be true.

The Commissioners expressed their opinion that this Case did not differ from that of the "Sinceridade," the principles of which had been so fully and ably investigated by the late Mr. Gregory and Mr. FitzGerald.

The Vessel and slaves were, therefore, decreed to be restored to the Claimant for the use of the Owner and Proprietor thereof, with costs, damages, and expences, and referred it to the Registrar, to ascertain the amount thereof, and report the same to the Commissioners.

(Signed) JOHN TASKER WILLIAMS.  
D. M. HAMILTON.

Sierra Leone, June 10, 1826.

*D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received October 17.)*

(Extract.)

*Sierra Leone, July 25, 1826.*

MR. WILLIAMS being too ill at present to attend to any business, I beg leave to enclose a Supplement of the Report of the Case of the Brazilian Brig "*Activo*," Joze Pinto de Araujo, Master.

In the Letter of Mr. Williams and myself of the 10th ultimo, we had the honour to state, that the slaves on board this Vessel having revolted and come on shore a few days before adjudication took place, were seized by the Colonial Government, and that Mr. Macaulay, the Acting Governor, having refused to give them up, it became a question whether the Captor should be adjudged to pay the value of those slaves or not.

Upon mature consideration of all the circumstances of the Case, we came to the conclusion, that the Claimant ought to be paid the value of his slaves, unless his having taken them on board to the North of the Equator should be considered a bar thereto, and we therefore thought the giving him a conditional Decree for their value, reserving the final decision of the Case for the British and Brizilian Governments, would be most equitable, and be a means of again drawing the attention of those Governments to the incongruity of the Convention in Cases similar to the present.

I beg leave to observe, that prior to our proceeding to Judgment in this Case, we proposed to both Parties, for the purpose of securing the liberty of the slaves, that they should enter into an Agreement similar to the one entered into by the Captor and Claimant in the Case of the "*Sinceridade*;" but without effect.

I beg leave further to observe, in consequence of so very considerable a time having intervened between the bringing the Case of this Vessel into Court and the final decision of the same, that, with the exception of the period from February 17th to March 6th last, while Mr. Rendall, the then Acting Commissioner of Arbitration, and Mr. Macaulay, the Captor's Agent, were attending the late General Turner on the Sherbro' Expedition, and of the period from April the 23d to May the 9th, during which I was confined to my house with severe illness, every exertion was made by the Court to bring the Case to a conclusion.

I conceive, Sir, I should be wanting in duty did I not state for your information that this is the first Case that I am acquainted with of slaves revolting in this Harbour, that have been brought therein for adjudication, either in the Courts of Mixed Commission or in the Court of Vice-Admiralty.

(Signed) D. M. HAMILTON.

*The Right Hon. George Canning,*  
*&c. &c. &c.*

Enclosure in No. 43.

*Supplemental Report of the Case of the Brig "Activo," Joze Pinto de Araujo, Master.*

On the 26th day of May, the Registrar finished his Report on this Case (A.) in which he gave it as his opinion that the Claimant was entitled to £35 for costs of suit; £256 2s. 8d. for special damages and expences; £9,983 15s. for the total loss of 166 slaves; and £150 for 5 p. Cent. on total of capital employed; making altogether the sum of £11,098 17s. 8d.

On the 8th of June Mr Savage, the Claimant's Proctor, prayed the Court to award to the Claimant, the sums stated in the said Report to be due to him, for the unlawful seizure and detention of the said Vessel, and for the total loss of 163 slaves.—Mr. Lake, the Proctor of Captain Murray, the Captor, prayed the Court not to award the sum of £9,983 15s. for the loss of the

slaves, inasmuch, as the said slaves mutinied and rose upon the Crew in charge of the said Brig "Activo," and forcibly made their way to the Shore; and were afterwards taken charge of by the Collector of Duties by the order of the Acting Governor.—The Court directed that the circumstances of the escape of the said slaves from the said Brig should be more particularly detailed and brought before it, before it proceeded to make its award on the Registrar's Report; in pursuance of which the Parties brought in and filed various Papers relative to the aforesaid circumstances, and on the 1st day of July the said Papers were read in Court, to wit—the Affidavit of Mr. Lake, the Captor's Proctor, (B), wherein, among other matters, he deposed and saith, "that on or about the 4th day of April last, Lieutenant Robert Lee Stephens, of His Majesty's Ship "Atholl," and Prize-Master on board the Brig "Activo," received a written order from Captain William Fitz William Owen, of His Majesty's Ship "Leven" to leave the said Brig "Activo," and proceed on board His Majesty's Ship "Romney," for a passage to England, at the same time taking the Prize Crew on board His Majesty's Ship "Leven."—That in consequence thereof this Deponent sent on board the said Brig "Activo," 6 men to take charge of the Vessel and Slaves; that on the 29th day of April last, this Deponent did consider, for the benefit of the Captors, to call upon the Proctor for the Claimant to take charge of the said Brig and Slaves, by forwarding to Claimant's Proctor the following Letter to wit:—

SIR,

(1.)

*Water-Street, 29th April 1826.*

ON behalf of the Captors of the Brig "Activo," Louis Pinto de Araujo, Master, I beg leave to deliver you up the said Brig and Slaves on board, and I beg you will let me know as soon as possible when you will take charge of her and the slaves. An early answer will oblige.

I remain &amp;c.

(Signed)

JOHN DEAN LAKE, for Captors.

Wm. Henry Savage, Esq. Proctor for Claimants.

"That thereupon and in answer thereto Deponent received from Claimant's Proctor the following Letter to wit:—

SIR,

(2.)

*29th April 1826.*

IN reply to yours of this date, notifying on the part of the Captors, that you beg leave to deliver up the Portuguese Brig "Activo," and the slaves on board; I have to state that I shall as early as possible lay your Letter before the Judges of the Mixed Commission, but that until that Court restores, in form, the said Vessel and Slaves, the Claimant cannot interfere with her or consider himself responsible either for her safety or the custody of the slaves.

I am, &amp;c.

J. D. Lake, Esq. Proctor for Captors.

(Signed)

W. H. SAVAGE.

"That on the same day Deponent forwarded to Claimant's Proctor the following Letter, to wit:—

SIR,

(3.)

*Water-Street, 29th April 1826.*

I BEG leave to acquaint you, that on behalf of the Captors, I am willing to enter into the same arrangement as regards the slaves on board the "Activo," as was done in the recent Case of the "Sinceridade," J. G. da Rocha, Master.

I remain, &amp;c.

Wm. H. Savage, Esq.

(Signed)

JOHN DEAN LAKE.

"And received in Answer the following Letter and Enclosure to wit:—

SIR,

(4.)

*29th April 1826.*

I ENCLOSE you a Copy of a Letter I have just received from His Honour the Acting Governor.

And I beg to refer you to that part of the Regulations for the Mixed Commission, which directs 1s. to be paid for every day for each slave on board for the period Vessel is detained, and to press on you to victual the said slaves, (as I understand the Captors have for some time done), as it is notorious that such victualling cannot here cost 1s. each.

If, however, you have any difficulty in so doing I am willing immediately to sign with you a Petition to the Court to allow the slaves to be landed, provided that such landing shall not affect the rights of the Claimant, and those otherwise concerned in them.

I have the honour to be, &amp;c.

J. D. Lake, Esq.

(Signed)

W. H. SAVAGE.

SIR,

(5.)

*Government House, April 29, 1826.*

MR. COLE, the Collector, having reported to me that there are no provisions on board the Brazilian Brig, for the Slaves; that in consequence they have become very riotous, and 21 of them have come on Shore, I have to desire you will take immediate steps for supplying these unfortunate people with sufficient provisions.

I am, &amp;c.

W. H. Savage, Esq.

(Signed)

K. MACAULAY, Acting Governor.

"That, during the said 29th and 30th days of April, and 1st day of May last, the said slaves growing impatient at not being landed, and having, as this Deponent verily believes, been informed (by what means your Deponent knoweth not) there was no likelihood of their being emancipated, did, by force and arms, escape from the said Brig "Activo," and land in this Colony; that, on their landing in this Colony, they were immediately seized by the Acting Collector of Duties; that this Deponent applied personally to his Honour the Acting Governor for permission to replace the said Slaves on board the said Brig "Activo," which permission his Honour the Acting Governor refused to grant, on the ground that they could not be dealt with as Slaves, being at



large in this Colony; that this Deponent hath used all the diligence in his power to keep the said slaves in the state they were brought in for adjudication, and none of the said slaves came on Shore with this Deponent's sanction or knowledge, save and except 6 slaves, who, after being examined by the Court, were safely placed on board again. And further, that this Deponent having given notice to the Claimant's Proctor that he, on behalf of the Captors, declined proceeding any further in the said Cause, did discontinue, on the 29th day of April last, to provision the said Slaves." The Affidavit of William Henry Savage, Claimant's Proctor, (C) corroborating so much of the Affidavit of Mr. Lake as relates to the Correspondence between Mr. Lake and him, was also read; also the Affidavit of Mr. Thomas Cole, Acting Collector of Duties, and Assistant Superintendent of Liberated Africans (D), wherein he deposeth and saith, "that, on or about the 29th and following day of the month of April last, he, this Deponent, (whose Office is situated contiguous to the Sea) saw a number of black persons in a Boat pulling from the said Brig towards the Publick Watering-Place of this Colony, where they landed; and, whilst standing on the Beach, he, this Deponent, sent one of the Clerks employed in the Liberated African Department, to ascertain who and what they were, when he understood that they had forcibly made their escape from the said Brig, where they had been confined without a sufficient quantity of food being issued for their subsistence; that shortly afterwards he, this Deponent, reported the circumstance to Mr. Bessell, the Colonial Secretary and Chief Superintendent of Liberated Africans, in the absence of his Honour the Acting Governor, (who had not reached Town from his Country residence), who directed this Deponent to take charge of and safely keep the said persons who had so escaped on shore; that on the Deponent afterwards waiting on his Honour the Acting Governor, with the Colonial Secretary, who reported what had been done in this Case, the said Deponent received a verbal order from his Honour the Acting Governor, to treat the said persons who had thus escaped, and were then on shore, in the same light and manner as emancipated Negroes, and that, in consequence, the said persons were so dealt with accordingly."

The Letter from the said Mr. Thomas Cole to the Registrar (E), stating the landing of the slaves, and his taking charge of them, was also read; the Affidavits of George Springle, the Shipkeeper (F), and Robert Leigh, his Assistant (G), were also read, setting forth the circumstances of the revolt and escape of the slaves. The Affidavit and Petition of Joze Pinto de Araujo (H), stating that the slaves had quitted the Vessel, was likewise read; and lastly, the Affidavit of Joze Pinto de Araujo and Furtunato Mina (I) were read, who make oath and say, "That at the time the said Brig was brought into this Harbour for adjudication, by His Majesty's Ship of War "Atholl," James Arthur Murray, Commander, the Deponents, one other African, and a lad, were all the persons of the said Brig's original Crew on board as aforesaid who were brought up in the said Brig; that the remainder of the Crew, that is to say, the Pilot, Boatswain, Clerk, and 15 Sailors, were taken on board the "Atholl," and Deponents believe left this Colony in the said Vessel, and that they never did again join the said Brig, after being taken out of her on the night of the day the said Vessel was so as aforesaid detained; that he, the said Master, was sick, without necessary provision, and did therefore come on Shore as soon as possible after the arrival of the said Vessel in this Harbour, and more especially to be ready at all times to communicate with his Proctor relative to prosecuting the Claim for the said Vessel; and that he the said Master never had any command nor controul over the said Vessel or the slaves on board, and that he was always obliged to conform to the orders and regulations of the Prize-Master until he came on Shore. And the said Furtunato further says, that to his own personal knowledge the Master nor any one of the Crew of the said Brig had not any controul over the said Vessel and the slaves on board after her arrival in this Port, nor since captured. And that this Deponent and another man alone continued always on board, the lad before-mentioned having quitted the Vessel soon after her arrival here, and the other man, an African, when the slaves got on Shore. And Deponents further say, that the means to controul the said slaves were never in their possession or power, by reason of the Crew aforesaid having been taken away by the Capturing Vessel, and retained as part of her Crew."

Whereupon the Commissioners absolutely and unconditionally confirmed so much of the Registrar's Report, as he stated his opinion the Claimant was entitled to, for costs of suit and special damages and expences occasioned to the said Brig by detention; but, for the reasons set forth in the Decree (K), only conditionally confirmed the remainder of the said Report, that is to say, they only confirmed the same, in the event of the British and Brazilian Governments agreeing and declaring that the same ought to be confirmed, according to the true intent and meaning of the Convention between Great Britain and Portugal for preventing illicit Traffick in Slaves, but not otherwise.

(Signed) D. M. HAMILTON.

#### (A.)—Registrar's Report of Costs, Damages, and Expences.

To the trusty and well-beloved the Commissary-Judges, named in the Mixed Commission established at Sierra Leone.

WHEREAS by your Decree of the 9th day of May 1826, you pronounced the Brig *Activo*, Cargo and Slaves to have belonged as claimed, and decreed the same to be restored to the Claimant for the use of the Owner and Proprietor thereof, with costs, damages, and expences, and referred the consideration of such costs, damages, and expences to your Registrar, and that he should report the amount thereof. Now I do most humbly report, that, having received an Account of the same, brought in on behalf of the Claimant, and having taken the same, together with what was urged by the Agents of the Parties on both sides, into consideration, I am of opinion that the Claimant is entitled, under your Decree, to the several sums mentioned in the Schedule hereunto annexed. All which is humbly submitted by

May 26, 1826.

(Signed) WM. SMITH, Registrar.

## Schedule of Costs, Damages and Expences.

		£.	s.	d.	£.	s.	d.
£55 0s.	Claimed as Costs of Suit.						
	Allowed by agreement between both Parties -	"	"	"	55	0	0
	FIRST, Special Damages and Expences occasioned to the Brig by detention.						
£25 0s.	Claimed for a Jolly-boat.						
	Allowed by Proctor for Captors to have been broken up by their orders. The boat is stated to have been at the time of detention in an unsound state, although she was used after Brig's arrival in this Harbour. I therefore allow the sum of £12. for this Claim - £18 being the lowest amount a Boat answering the same purpose could be purchased for here; the difference I deduct for wear and tear of the one destroyed -	12	0	0	"	"	"
£12 0s.	Claimed for caulking Brig's long Boat.						
	Allowed by agreement between both Parties -	3	0	0	"	"	"
£75 0s.	Claimed for a new cable of 12 inch 80 fathoms long, and an anchor lost by the Captors off the Island of Bannanas.						
	Allowed by agreement between both Parties -	75	0	0	"	"	"
£12 12s.	Claimed for 2 coils of new rope on board at the time of detention, but now missing, and which do not appear to have been used for the Brig -	12	12	0	"	"	"
£3 8s.	Claimed for 2 bolts of canvass, 4 being on board at the time of detention, and 2 only now remaining.						
£18 0s.	Claimed for 6 bolts of duck, used or made away with by the Captors.						
	The Proctor for Captors is not willing to allow the above 2 charges, but brings no proof that those articles were not on board at the time of Brig's detention; while the Proctor for Claimant produces in proof the Affidavits of the Master and Cook, the latter of whom swears he saw them cut up by the Captors. I therefore allow the sum charged, the canvass and duck being new -	26	8	0	"	"	"
£20 0s.	Claimed for 1 lower, 1 top-mast, and 1 top-gallant steering sails.						
	Allowed by agreement between both Parties, deducting one-third for new -	13	6	8	"	"	"
£4 6s.	Claimed for loss of log lines, fishing lines, twine to make and repair sails, and cotton twist.						
	Allowed by agreement between both Parties -	3	16	0	"	"	"
£3 0s.	Claimed for 2 muskets and 4 cutlasses.						
	I allow 20s. each for the muskets, and 2s. 6. each for the cutlasses -	2	10	0	"	"	"
£35 0s.	Claimed for casks supposed to have been burnt, as the hoops are still on board.						
	Allowed by agreement between both Parties -	10	0	0	"	"	"
£12 10s.	Claimed for 100 gallons of aquadente, used by the Captors, at 5s. per gallon.						
	Allowed by agreement between both Parties -	6	5	0	"	"	"
£2 10s.	Claimed for 15 gallons of vinegar used by the Captors.						
	Allowed by agreement between both Parties -	2	10	0	"	"	"
£9 0s.	Claimed for a cask of palm-oil used by the Slaves and others since detention.						
	Allowed by agreement between both Parties, 30 gallons at 2s. per gallon -	3	0	0	"	"	"
£6 5s.	Claimed for a cask of olive-oil (25 gallons) not now to be found on board.						
	Allowed by agreement between both Parties -	4	0	0	"	"	"
	Carried forward -	£174	7	-8	55	0	0

		£.	s.	d.	£.	s.	d.
	Brought forward	174	7	8	55	0	0
£10 0s.	Claimed for wooding and watering Brig for Sea. Allowed by agreement between both Parties	10	0	0	"	"	"
£30 0s.	Claimed for property belonging to the Master, which is stated to have been used, taken away, or destroyed by Captors. I do not allow this charge, as I conceive the Mas- ter to have been very neglectful in almost aban- doning the Brig, and thereby not taking due care of his own property	"	"	"	"	"	"
£20 0s.	Claimed to replace cabin stores for Sea	20	0	0	"	"	"
£60 0s.	Claimed for provisioning Brig for Sea. Allowed by agreement between both Parties	50	0	0	"	"	"
£1 15s.	Claimed for use of a Canoe, 7 days at 5s. per diem. This charge is made in consequence of the Boat of the Brig being at present unserviceable—which I allow	1	15	0	"	"	"
	SECONDLY,—				256	2	8
£588 0s.	Claimed for demurrage, from the 1st of February to the 9th of May 1826 (98 days at £6. per day) detained Brig being 149 tons burthen per Pass- port. Allowed by agreement between both Parties	588	0	0	"	"	"
£66 0s.	Claimed for 11 additional day's demurrage, being from the period of the Sentence of Restitution to the closing of the Case Allowed by agreement between both Parties	66	0	0	"	"	"
	No charge made under the Head of the THIRD Item				654	0	0
	FOURTHLY,—						
£10,167 10s.	Claimed for the total loss of 166 slaves, value at the Place of destination (Pernambuco) 300 dol- lars each, each dollar being equal to 4s. 1d. British sterling money; the slaves were on board when the Brig was detained and brought to Sierra Leone for Adjudication, have been restored by decree of Court, but are not now on board. 163 slaves having been proved to be the number that escaped from the Brig, and that the value of each slave, at the Place of destination, is 254 mil reas, equal at 800 reas per dollar to 317½ dollars; therefore, deducting the 17½ dol- lars for charges and commission on the sale of each slave, I allow the sum charged for each of the 163 slaves, being in conformity with the 8th Article of the Regulations for the Mixed Com- mission, annexed to the Convention between His Majesty and His Most Faithful Majesty The King of Portugal, signed at London, 28th July 1817—163 at 300 dol. (4s. 1d.) each, £61 5s.	9983	15	0	"	"	"
	SIXTHLY,—						
£450 0s.	Claimed for 5 per cent. on total of capital em- ployed, valued at £9000. This estimate I consider as greatly exceeding the amount of money employed. On referring to an Invoice of a similar cargo on board of a Vessel brought in here for Adjudication, as is stated to have been on board the "Activo," and the De- claration of the Master, that the principal arti- cles of his outward cargo consisted of 2100 rolls of tobacco and 12 pipes of aquadente, which, to- gether with the value of the Brig, I estimate the whole at £3000, and have allowed upon that sum 5 per cent. in accordance with the 8th Article of the Convention, as stated in the last charge	150	0	0	"	"	"
	Total Amount				10133	15	0
					11098	17	8

May 26, 1826.

(Signed)

WM. SMITH.

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(B.)—*Affidavit of the Captor's Proctor.*

APPEARED personally John Dean Lake, of Freetown, in the said Colony, Proctor, on behalf of Captain James Arthur Murray, and the Officers and Crew of His Majesty's Ship "Atholl," who, being duly sworn, depose and saith, that on or about the 16th day of February last, the said Brig "Activo," with 165 slaves on board, arrived in this Harbour, having been detained by His Majesty's Ship "Atholl" for being engaged in the illicit Traffick in slaves, in charge of Lieutenant Robert Lee Stephens of that Ship; that on the day after her arrival, the Papers and Documents were lodged in the Registry of the above Court; that there came up as Witnesses, in the said Case, the Portuguese Master, Louis Pinto de Araujo, the first and second Cook, and a Boy, all belonging to the said Brig; that about 8 days after the said Brig's arrival in this Port, the Master, Joze Pinto de Araujo, with one of the Cooks, proceeded to the Shore, from whence he refused to return; that the Deponent, in company with the said Lieutenant Robert Lee Stephens, proceeded to the House where the said Master, Louis Pinto de Araujo, was residing; that the said Lieutenant requested the said Master, Louis Pinto de Araujo, to proceed on board the said Brig, when the said Master, Louis Pinto de Araujo, in this Deponent's hearing, told the said Lieutenant "that he had nothing more to do with the said Brig "Activo," as she was detained against his will;" that the Deponent asked the said Master, Louis Pinto de Araujo, if he would give his consent for the said slaves to be landed, which the said Master declined, on the grounds of his having nothing more to do with the said Brig "Activo;" that at the request of the said Master, his private property was sent on Shore to him; that on or about the 4th day of April last, the said Lieutenant Robert Lee Stephens received a written order from Captain William Fitz-William Owen, of His Majesty's Ship "Leven," to leave the said Brig "Activo," and proceed on board His Majesty's Ship "Romney" for a passage to England, at the same time taking the Prize Crew on board of His Majesty's Ship "Leven;" that in consequence thereof, this Deponent sent on board the said Brig "Activo" 6 men to take charge of the Vessel and Slaves; that on the 29th day of April last this Deponent did consider, for the benefit of the Captors, to call upon the Proctor for the Claimant to take charge of the said Brig and Slaves, by forwarding the Letter marked (1); that thereupon Deponent received from Claimant's Proctor the Letter marked (2) in Answer thereto; that on the same day this Deponent forwarded to the Claimant's Proctor the Letter marked (3), and received in Answer the Letter marked (4) with its Enclosure (5); that during the said 29th and 30th days of April, and 1st day of May last, the said slaves, growing impatient at not being landed, and having, as this Deponent verily believes, been informed, by what means your Deponent knoweth not, there was no likelihood of their being emancipated, did by force and arms escape from the said Brig "Activo," and land in this Colony, as may be seen by two Affidavits of the Shipkeepers filed in the Registry of this Court; that on their landing in this Colony they were immediately seized by the Acting Collector of Duties, as may be seen by the Affidavit marked (D); that this Deponent applied personally to his Honour the Acting Governor, for permission to replace the said slaves on board the said Brig "Activo," which permission his Honour the Acting Governor refused to grant, on the grounds that they could not be dealt with as slaves, being at large in this Colony; that this Deponent hath used all the diligence in his power to keep the said slaves in the state they were brought in for Adjudication, and that none of the said slaves came on Shore with this Deponent's sanction or knowledge, save and except 6 slaves, who, after being examined by the Court, were safely placed on board again; and further, that this Deponent having given notice to the Claimant's Proctor that he, on behalf of the Captors, declined proceeding any further in the said Cause, did discontinue on the 29th day of April last to provision the said slaves. (Signed) JOHN DEAN LAKE.

Sworn before me, this 12th June 1826,

(Signed) WM. SMITH, Registrar.

The Sub-Enclosures 1 to 5, are contained in the "Supplemental Report of the Case."

(C.)—*Affidavit of the Claimant's Proctor.*

PERSONALLY appeared William Henry Savage, who, being duly sworn, maketh oath, and saith, that he has read the Affidavit of John Dean Lake, Proctor in this Cause (Brig "Activo"), on behalf of the Captors; that the allegations made to this Deponent, as Proctor for Claimants in the said Cause, are true; that the Letter (1) was received by this Deponent, and the Letter (2) is the Answer thereto; that the Letter (3) this Deponent does not recollect receiving, but the purport of the said Letter was communicated to him, the Deponent, verbally, to the best of his knowledge and belief; that the Letter (4) with the Enclosure (5) were sent to the said John Dean Lake, as Proctor aforesaid, by this Deponent. (Signed) W. H. SAVAGE.

Sworn before me, this 12th day of June 1826,

(Signed) WM. SMITH, Registrar.

The Sub-Enclosures 1 to 5, are contained in the "Supplemental Report of the Case."

(D.)—*Affidavit of the Acting Collector of Duties.*

APPEARED personally Thomas Cole, Esquire, Acting Collector of Duties in and for the Colony of Sierra Leone, and Assistant Chief Superintendent of Liberated Africans in and for the same, who, being duly sworn, depose and saith, that on or about the 29th and following day of the month of April last, he, this Deponent, (whose Office is situated contiguous to the Sea), saw

a number of black persons in a Boat pulling from the said Brig ("Activo") towards the Publick Watering-place of this Colony, where they landed, and whilst standing on the Beach he, this Deponent, sent one of the Clerks employed in the Liberated African Department, to ascertain who and what they were, when he understood they had forcibly made their escape from the said Brig, where they had been confined without a sufficient quantity of food being issued for their subsistence: that shortly afterwards he, this Deponent, reported the circumstance to Mr. Reffell, the Colonial Secretary and Chief Superintendent of Liberated Africans, in the absence of his Honour the Acting Governor, (who had not reached Town from his Country residence), who directed this Deponent to take charge of and safely keep the said persons who had so escaped on Shore; that on the Deponent afterwards waiting on his Honour the Acting Governor, with the Colonial Secretary, who reported what had been done in this Case, the said Deponent received a verbal order from his Honour the Acting Governor, to treat the said persons, who had thus escaped and were then on Shore, in the same light and manner, as Emancipated Negroes, and that in consequence the said persons were so dealt with accordingly. (Signed) THOS. COLE.

Sworn before me, this 13th day of June 1826.

(Signed) WM. SMITH, Registrar.

(E.)—*The Acting Collector of Duties to the Registrar.*

SIR,

Sierra Leone, May 2d, 1826.

I HAVE the honour to acquaint you, that 163 slaves, brought into this Harbour in the Portuguese Brig "Activo," have made their escape from that Vessel, and that I have, as Collector of this Port, taken charge of the said slaves. I have the honour to be, &c.

Wm. Smith, Esq.

(Signed) THOS. COLE.

(F.)—*Affidavit of George Springle, Mariner.*

PERSONALLY appeared, George Springle, of Sierra Leone, Mariner, who, being duly sworn, deposeth and saith, that, on the 6th day of March last, by order of Mr John Dean Lake, (on behalf of the Captors), he, this Deponent, went on board and took charge of the detained Brig "Activo," J. P. de Araujo, Master, with a Cargo of Slaves, in the capacity of Ship-Keeper, the said Brig laying at anchor in the Harbour of Sierra Leone; that there likewise went on board said Vessel 5 men to assist this Deponent, besides 2 men who were on board, being part of the original Portuguese Crew, making in all 8 men; that on Friday the 28th of April last, the said slaves became very riotous and disorderly, and expressed, by signs and gestures, to this Deponent, that, if they were not allowed to go on shore, they would jump overboard; that in consequence of this threat, Deponent armed himself and the Crew, and stationed the Crew in different parts of the said Brig during the whole of Friday night; that, on the following day, no provisions being on board for the said slaves, Deponent came on Shore to apply for some, giving orders to the man left in charge not to allow any person to quit the Brig; that, as this Deponent was going down to the Beach to return on board, he saw 21 of the said slaves landing themselves from the Brig; that he immediately proceeded on board, and found the Long-boat, which was made fast astern alongside, with about 70 slaves in her; that himself and the Crew threatened to fire into the Boat if they did not come out of her; that, on this, a number of the slaves threatened, as before stated, to throw this Deponent and the Crew overboard; that this Deponent was afraid to make use of his arms, it being his firm belief that, if he had, himself and the Crew would immediately have been overpowered and murdered; and that, in the mean time, the said Slaves who were in the Long-Boat pushed from the Vessel and gained the Shore; that about 6 o'clock in the evening of the same day, a quantity of rice and palm-oil came on board for the use of the said slaves; that, when supper was prepared for them, they refused it, alleging "that they would not eat until allowed to go on Shore;" that on the whole of Sunday the 30th, they still refused their provisions, but appeared to this Deponent more moderate and less riotous; that, to prevent their getting the Long-boat, Deponent anchored her about a cable's length from the said Vessel, and hoisted the Jolly-boat up to the stern of the said Brig; that at day-light, on the morning of the 1st instant, the said Slaves armed themselves with pieces of iron hoops, billets of wood, and old knives, stolen from the Cabin, headed by six of the most powerful, who had heretofore acted in the capacity of Boatswains, and had assisted in checking the former disturbances; that part of them proceeded to lower down the Jolly-boat, whilst the rest, armed as before stated, defended them; that, having got the Jolly-boat in the water, 4 of the said Slaves went and brought the Long-boat alongside, into which they all got, and proceeded for the Shore. (Signed) GEORGE SPRINGLE.

Sworn before me this 4th day of May 1826.

(Signed) WM. SMITH, Registrar.

(G.)—*Affidavit of Bob Leigh, Mariner.*

PERSONALLY appeared, Bob Leigh, a native Mariner, who, being duly sworn, deposeth and saith, that he is employed to assist in taking care of the Brig "Activo" and Slaves; that, on Friday the 28th of April last, the Slaves acted in a most riotous manner; that in consequence he, this Deponent, was under arms for the whole of the night; that on Saturday the 29th of April, about 12 o'clock in the forenoon, the said slaves armed themselves with bludgeons, pieces of rope, iron hoops, &c., and seized upon a Boat, (belonging to the Shore), which was laying astern of the said Brig, and the Long-boat of the said Brig, 21 Slaves getting into the former and about 70 in the latter; that on this Deponent going to them to get them out of the Boat, they held up their bludgeons, whilst others drew their knives across their throats, and then pointed to the

water; that Deponent verily believes if he had struck one, himself and the Crew would have been instantly murdered; that the said Slaves reached the Shore in safety; that, on Saturday evening, the Slaves remaining on board refused to eat their supper, and that they ate nothing on Sunday; that on the morning of the 1st instant, about gun-fire, the remaining slaves again armed themselves, and proceeded to seize upon the Boats, menacing every one who opposed them; that he, this Deponent, was so alarmed, and thinking his life in danger, ran out to the jib-boom end, and hailed a Government Sloop laying near for assistance, which did not arrive until the said Slaves had got on shore.

(Signed)

BOB LEIGH, his x Mark.

Sworn before me this 4th day of May 1826.

(Signed) WM. SMITH, Registrar.

(H.)—*Affidavit and Petition of Joze Pinto de Araujo, Master.*

PERSONALLY appeared, Joze Pinto de Araujo, who, being duly sworn, maketh oath and saith, that the circumstances stated in the within Petition (1) are in every respect true to this Deponent's knowledge and belief, and that the annexed Paper Writing, marked (2), this Deponent believes to be of the hand-writing of the Proctor for Captors, and was delivered unto this Deponent by the Proctor of this Deponent as being received by him from the said Proctor.

(Signed)

JOZE PINTO DE ARAUJO.

Sworn this 9th day of May 1826, before me,

(Signed) WM. SMITH, Registrar.

(1.)—*Petition of Jose Pinto de Araujo, Master,*

Sheweth,

THAT your Petitioner's Proctor hath put into the hands of your Petitioner the accompanying Letter,\* by which your Petitioner is apprised that the Captors of the said Brig forbear any further proceeding in the Cause.

That your Petitioner is informed, and does believe that no attention is now paid to the ordinary duties of the said Brig "*Activo*," in pumping and cleaning her as usual.

That the whole of the slaves on board have quitted the said Brig, and are now on Shore, but that your Petitioner knows not by whose means or by whose orders.

That the ground tackling of the said Brig, from her long laying in this Harbour, is liable to part, from the severe winds which occasionally blow at this Season in tornadoes.

Wherefore your Petitioner most humbly prays your Honourable Court to appoint such early day, as to your Honours may seem fit, whereon to pronounce Judgment in the said Cause, and thereby enable your Petitioner to know in what manner to proceed with the said Brig for the benefit of those concerned therein.

And your Petitioner, as in duty bound, will ever pray,

(Signed)

JOZE PINTO DE ARAUJO.

\* See the "Supplemental Report" (1.)

(J.)—*Affidavit of the Master and Cook, and Petition of Proctor for Claimants.*

PERSONALLY appeared Jozé Pinto de Araujo, Master of the said Brig "*Activo*," and Fortunado Mina, Cook of the said Vessel, who, being duly sworn, make oath and say, that at the time the said Brig was brought into this Harbour for Adjudication, by His Majesty's Ship-of-War "*Atholl*," James Arthur Murray, Commander, the Deponents, one other African, and a lad, were all the Persons of the said Brig's original Crew on board as aforesaid, who were brought up in the said Brig; that the remainder of the Crew, (that is to say,) the Pilot, Boatswain, Clerk and 15 sailors were taken on board the "*Atholl*," and Deponents believe, left this Colony in the said Vessel, and that they never did again join the said Brig after being taken out of her on the night of the day the said Vessel was so as aforesaid detained; that he, the said Master, was sick without necessary provision, and did therefore come on Shore as soon as possible after the arrival of the said Vessel in this Harbour, and more especially to be ready at all times to communicate with his Proctor relative to prosecuting the Claim for the said Vessel, and that he, the said Master, never had any command nor controul over the said Vessel or the Slaves on board, and that he was always obliged to conform to the Orders and Regulations of the Prize-Master, until he came on Shore; and the said Fortunado further says, that to his own personal knowledge the Master, nor anyone of the Crew of the said Brig, had not any controul over the said Vessel and the Slaves on board after her arrival in this Port, nor since capture; and that this Deponent and another man alone continued always on board, the lad before-mentioned having quitted the Vessel soon after her arrival here, and the other man, an African, when the slaves got on shore. And Deponents further say that the means to controul the said slaves were never in their possession or power, by reason of the Crew aforesaid having been taken away by the capturing Vessel, and retained as part of her Crew.

(Signed)

JOZE PINTO DE ARAUJO.

Swore before me this 10th day of June 1826.

(Signed) WM. SMITH, Registrar.

FURTUNADO <sup>his</sup> x MINA.  
mark.

Q

*Petition of the Proctor, on behalf of the Claimant of the Brig "Activo."*

Sheweth,

THAT in proof that the escape of the slaves from the said Brig "Activo," and in proof that no means were in the power of him, the said Master, by his Crew, to prevent the same, your Petitioner most humbly prays that the annexed Affidavit may be filed and receive the consideration of your Honourable Court.

And your Petitioner, as in duty bound, will ever pray.

June 10th, 1826.

(Signed) W. H. SAVAGE.

*(K.)—Decree of the Commissioners.*

THIS day, in pursuance of the directions of the Court of the 8th day of the month of June last, "that the proof of the Circumstance of the escape of the 163 Slaves from the said Brig ("Activo") should be more particularly detailed, and brought before it, together with all Correspondence and Communications that had taken place between the Proctors in the Cause, and His Majesty's Colonial Authorities, on the subject of the said Slaves, supported by Affidavits;" the following Documents relative to the same were brought in and filed in the Registry of the said Court, and were this day read,—to wit:—

- 1st.—The Affidavit of John Dean Lake, the Proctor for the Captor, sworn, June 12, 1826.
- 2d.—The Affidavit of William Henry Savage, the Proctor for the Claimant, sworn, June 12, 1826.
- 3rd.—Letter from John Dean Lake to William Henry Savage, dated, April 29, 1826.
- 4th.—Letter from William Henry Savage to John Dean Lake, dated, same day.
- 5th.—Letter from John Dean Lake to William Henry Savage, dated, same day.
- 6th.—Letter from William Henry Savage to John Dean Lake, dated, same day.
- 7th.—Letter from K. Macaulay, Acting Governor, to William Henry Savage, dated, same day.
- 8th.—Affidavit of Thomas Cole, Acting Collector, sworn, June 13, 1826.

The following Documents, relative to the same subject, were also this day read, viz.:—

- 1st.—The Letter of Mr. Thomas Cole, Acting Collector, to the Registrar of this Court, dated, May 2, 1826.
- 2d.—Affidavit of George Springle, sworn, May 4, 1826.
- 3d.—Affidavit of Robert Lee, sworn May 4, 1826.
- 4th.—Petition and Affidavit of Jozé Pinto de Araujo, the Master, sworn May 9, 1826; enclosing Duplicate of Letter aforesaid, from John Dean Lake to W. H. Savage, of the 29th of April 1826.

The Report of the Registrar being also read, the said Commissioners confirmed so much of the same, as the Registrar therein stated his opinion the Claimant was entitled to, for Costs of Suit and Special Damages and Expences occasioned to the said Brig by detention, and in pursuance thereof, the said Commissioners did award and decree that James Arthur Murray, Esquire, the Captor in this Case, do pay to the said Jozé Pinto de Araujo, the Claimant, or to his lawful Attorney or Attornies, for his use, absolutely and unconditionally, the sum of £ 256. 2s. 8d. sterling money of Great Britain, for the said Costs of Suit, and for Special Damages and Expences occasioned to the said Brig by her detention.

And notwithstanding it appeared to the Commissioners by the Affidavits, and other Documents this day read, that the loss of the slaves might, in some measure, have been caused by the neglect of the Captor or his Agent, who had the charge and possession of them, and also of the said Brig, in consequence of his not furnishing them with food on the 29th day of April last, yet the Commissioners could not believe or conclude this to have been either the principal or the sole cause of the said Slaves leaving the Vessel and coming on Shore; and although the Commissioners would not attempt to justify the mode in which the Claimant had been deprived of his slaves, nor the conduct of the Captor or his Agent, in not taking proper precaution to prevent those slaves leaving the Vessel, nevertheless, they conceived themselves bound to declare their opinion, that the absolute and unconditional confirming the whole of the Registrar's Report, would be contrary to the principles of equity, and would, in point of fact, be rewarding the Claimant, not only for a breach of the Convention between Great Britain and Portugal for the prevention of the illicit Slave-trade, but for a breach of the Laws of his own Country.

The Commissioners, at the same time that they considered the illegal conduct of the Captor in making this seizure to the South of the Equator, in direct opposition to his Instructions, could not lose sight of conduct much more illegal on the part of the Claimant, in carrying on the Slave-trade to the North of the Equator, contrary to the Licence granted him in his Passport by the Authorities of the Brazilian Government, and in defiance of the Convention aforesaid, and of the Laws of Portugal and Brazil.

The Commissioners having further considered that, by the Convention aforesaid, there is no Appeal from their Judgment in this Case, and having also considered it to be most desirable that some additional Measures should be adopted by the British and Brazilian Governments, for the prevention of such glaring violations of the Convention as the present, have, therefore, in the hope that this Case may particularly call forth the attention of both Governments, only conditionally confirmed the remaining part of the Registrar's Report; and, therefore, the said Commissioners did further award and decree that the said James Arthur Murray, Esq. the Captor in this

Case, do pay to the said José Pinto de Araujo, the Claimant, or his lawful Attorney or Attornies, for his use, the sum of £654 sterling money of Great Britain, for the demurrage of the said Brig, provided the British and Brazilian Governments agree and declare that the said sum ought to be so paid, according to the true intent and meaning of the said Convention between Great Britain and Portugal for the prevention of illicit Slave-trade, but not otherwise.

And the said Commissioners did further award and decree, that the said James Arthur Murray, Esq. do pay to the said José Pinto de Araujo, or his lawful Attorney or Attornies, for his use, the further sum of £9,983 15s. sterling money of Great Britain, for the total loss of 163 slaves, provided, as before, that the British and Brazilian Governments agree and declare, that the said sum ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

And the said Commissioners did further award and decree that the said James Arthur Murray, Esq. do pay to the said José Pinto de Araujo, or his lawful Attorney or Attornies, for his use, the further sum of £150, sterling money of Great Britain, being for Interest on the estimated Capital employed in the purchase and maintenance of her Cargo, provided, as before, that the British and Brazilian Governments agree and declare that the said sum ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

1st July 1826.

(Signed)

JOHN TASKER WILLIAMS  
D. M. HAMILTON.

#### No. 44.

*D. M. Hamilton, Esq. to Joseph Planta, Jun. Esq. (Received Oct. 16.)*

SIR,

*Sierra Leone, August 15, 1826.*

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, intituled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade;" and in obedience to the Instructions received from Mr. Secretary Canning relative to the same, I beg leave to enclose a List or Return of all the Cases of Portuguese Vessels which have been adjudicated in the British and Portuguese Courts of Mixed Commission established at this Place, from the 1st day of January to the 30th day of June 1826, both days inclusive.

I have the honour to be, &c.

*Joseph Planta, Jun. Esq.*  
&c. &c. &c.

(Signed)

D. M. HAMILTON.



## Enclosure in No. 44.

*Return of Portuguese Vessels Adjudicated by the British and Portuguese Court of Mixed Commission established at Sierra Leone, from the 1st day of January to the 1st day of July 1826.*

NAME of VESSEL.	Date of Seizure.	Property Seized.	SEIZOR.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or con- verted, and whether any part remains unsold, and in whose hands the Proceeds remain.
Paquete da Bahia	November 22, 1825	{ Brig and 386 Slaves }	Lieut. J. C. Giles.	January 10, 1826	Condemned for illicitly Trading in Slaves..	{ The Brig sold, by publick auction, and the proceeds paid into the Military chest.
San Joao Segunda Rosalia }	November 25, —	{ Brigantine and 258 Slaves }	J. A. Murray....	March 21, —	Condemned for illicitly Trading in Slaves..	{ The Brigantine, sold by publick auction, and the Proceeds paid into the Military chest.
Activo .....	February 11, 1826	{ Brig and 166 Slaves }	J. A. Murray....	May 9, —	{ Restitution of Brig and Slaves decreed by the Court, the capture having been ille- gally made to the Southward of the Equator.	{ The Sloop, sold by publick auction, but the Proceeds remain in the hands of the Commissioners of Appraisement and Sale, the Accounts not having yet been returned into the Registry.
Esperanca .....	March 4, —	{ Sloop and 4 Slaves }	W. J. Purchas ...	June 8, —	Condemned for illicitly Trading in Slaves..	{ The Brigantine, sold by publick auction, but the proceeds remain in the hands of the Commissioners of Appraisement and Sale, the Accounts not having yet been returned into the Registry.
Netuno .....	March 4, —	{ Brigantine and 92 Slaves }	W. J. Purchas ...	June 8, —	Condemned for illicitly Trading in Slaves..	{ The Brigantine, sold by publick auction, but the proceeds remain in the hands of the Commissioners of Appraisement and Sale, the Accounts not having yet been returned into the Registry.

(Signed) D. M. HAMILTON.

*Sierra Leone, July 1, 1826.*

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No. 45.

*D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Nov. 14.)*

SIR,

*Sierra Leone, September 20, 1826.*

I BEG leave to enclose Copy of a Letter to me from Mr. Smith, the Registrar of the Courts of Mixed Commission, pointing out an error in favour of the British Government, in his Report of Costs and Damages in the Case of the Brig "*Activo*," reported to you by His Majesty's late Commissary Judge and myself, under date the 10th of June last, a Supplement to which Report was subsequently transmitted by me, under date of the 25th of July following.

I most respectfully beg to assure you, Sir, that not only the Registrar, but the British Commissioners, labour under the greatest difficulties in procuring data whereon to found their Judgment of the amount of Costs and Damages that ought to be awarded in Cases of the Restitution of Portuguese and Brazilian Vessels.

I should not be doing justice to my feelings, were I not to state to you the steady and unremitting support I have experienced from Mr. Smith the Registrar, in the performance of the duties of the Mixed Commissions, since the death of my Friend and Colleague, Mr. Williams, and I beg most respectfully to recommend him as a most zealous and active Officer.

The error mentioned in his Letter, so far as it applies to the "*Perpetuo Defensor*," can be easily altered, that Case not being yet finally settled.

I have the honour to be, &c.

*The Right Hon. Geogre Canning.* (Signed) D. M. HAMILTON.  
 &c. &c. &c.

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Enclosure in No. 45.

*William Smith, Esq. to D. M. Hamilton, Esq.*

SIR,

*Sierra Leone, September 13, 1826.*

IN the recent Case of the Brazilian Brig "*Activo*," which was restored to the Claimant by Decree of the British and Portuguese Court of Mixed Commission, on the 9th May 1826, the Court referred the consideration of the Costs, Damages, and Expences occasioned to the said Brig by detention, to the Registrar, and that he should report the amount thereof. On the 26th of the same Month I made the Report accordingly, after having taken every possible means in my power to ascertain the correctness of the different Charges, before I submitted them to the Court for its Award thereon.

On referring to the said Report, I find that 14,000 reis, or 17½ Spanish dollars, calculating the latter to be worth 800 reis, is the amount I have allowed, as being the sum payable for duties, charges and commission, collectively, on the importation and sale of each slave into Brazil.

At the time I made that Report, I conscientiously believed, from the best information I could obtain, that that sum was the full amount paid, and it was not until a few days since, on perusing the Correspondence with Foreign Powers, relating to the Slave-trade, 1825, 1826, Class B, presented to both Houses of Parliament by Command of His Majesty, 1826, and which arrived in His Majesty's Ship "*North Star*," from Mr. Canning, on the 4th of August last, that I perceived in Mr. Vice Consul Follett's Letter to Mr. Canning, dated Bahia, 25th January 1825, that the duties payable on the importation there of each slave are 22,000 reis, a sum considerably above what I, in my Report in the Case of the "*Activo*," allowed, without charges or commission: and I consider it my duty to enter into this explanation, in the hope that you, Sir, will make a representation to Mr. Canning on the subject, as there is a discrepancy in the amount of the same charge, in the Accounts of the "*Perpetuo Defensor*" and "*Activo*" which appears to me to require it.

I further beg to state that you, Sir, being fully aware of the difficulties in this Colony which the Registrar has to contend with, to ascertain the truth of the charges made, in Cases where Restitution is decreed, will, I am convinced, make every favourable allowance, for errors which will unavoidably happen, as in the "*Activo's*" Case, and that you will acquit me of partiality, either to Captors or Claimants, in the performance of my publick duties.

I have the honour to be, &c.

*D. M. Hamilton, Esq.*

(Signed)

WM. SMITH.

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## No. 46.

*D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received December 22.)*

(Extract.)

*Sierra Leone, October 12, 1826.*

I HAVE the honour to transmit, herewith, the Report of the Case of the Brazilian Brig "*Perpetuo Defensor*," whereof Antonio Mauricio de Mendonça was Master: she was seized by His Majesty's Ship "*Maidstone*," Commodore Bullen, on the 18th of April last, on her Voyage, as stated by the Master, from Molembo to Rio Janeiro, but, as proved to the Court, from Badagry, in 6. 18. North Latitude, to Rio Janeiro, with a Cargo of 424 Slaves. This seizure was made to the South of the Equator, and in sight of the Island of Anna Bona.

On her arrival at Sierra Leone, on the 23d of May following, the slaves on board were found to be in a most wretched state of suffering, from being afflicted with diarrhœa, dysentery and small pox, and it was deemed requisite, to prevent the introduction of the latter disease into the Colony, to place her under Quarantine; and in consequence of the representations of Commodore Bullen, and of the advice of the Colonial Surgeon, the sick and healthy slaves were separated from each other, and the latter put on board one of the Government Colonial Vessels, then lying unemployed in the Harbour; this was done by order of the Colonial Council, the Acting Governor being absent at the time in the River Gambia.

The cause of seizure, as alleged by the Captor, viz: *the having a British subject confined on board as a slave*, was not considered by the Court sufficient to bring the Case within its jurisdiction, and the Captor was requested to proceed in the usual manner for a breach of the Convention, but this he declined doing, and voluntarily restored both the Vessel and Slaves to the Master.

The Master not being satisfied with only receiving back his Vessel and Slaves, claimed from the Court, Costs, Damages and Expences, caused by the detention, and called on the Captor, by Monition, to proceed to Judgment in the Case; several Witnesses were therefore examined, who clearly proved the slaves had been taken on board at Badagry in North Latitude, upon which the Commissioners (the Claimant having been deprived of his slaves through the intervention of the Colonial Government), thought it would be most eligible in every respect to adjudicate the Cause on the same principles as they had decided that of the "*Activo*," and therefore, as in that Case, gave the Claimant only a conditional Decree for the Value of the Slaves, and the greater part of the Demurrage, and awarded him, unconditionally, so much as to enable him to pay the expences he had incurred while the Cause was depending, and to refit and victual his Vessel for a Voyage to Rio Janeiro.

I have the honour, herewith, to transmit, for your information, the Copies of 3 Decrees made in this Case, one of which is a final one.

*The Right Hon. George Canning,* (Signed) **D. M. HAMILTON.**  
                   &c.                   &c.                   &c.

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First Enclosure in No. 46.

*Report of the Case of the Brazilian Brig "Perpetuo Defensor," Antonio Mauricio de Mendonça, Master.*

THIS Brig, which was seized by His Majesty's Ship "*Maidstone*" on the 18th of April last, to the South of the Equator, arrived in the Harbour of Sierra Leone on the 23d day of May, and was immediately put under Quarantine by the proper Officer, in consequence of her having several cases of small pox on board. The Acting Governor of the Colony, Mr. Macaulay, being at that time absent on a visit to the Settlement in the River Gambia, the Colonial Council, considering the wretched and diseased state the slaves were in, ordered, from motives of humanity, the healthy to be separated from the sick, the former to be put on board a Government Colonial

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Vessel at that time lying unemployed in the Harbour, to be kept there during the time they should remain under Quarantine, and a considerable number were in consequence immediately removed, with the assistance of Commodore Bullen, to that Vessel.

No proceedings, however, were taken in the Case till the 3d of June, when the Ship's Papers, with the Affidavit of Lieutenant Lyall of the "Maidstone," were brought into Court, and also the Declaration of Commodore Bullen, the Captor, in which he sets forth, "that on the 18th day of April 1826, being off the Island of Anna Bona, he detained the Brig "Perpetuo Defensor," sailing under Brazilian Colours, commanded by Antonio Mauricio de Mendonça, who declared her to be bound from Molembo to Rio Janeiro, with a Crew consisting of 54 men and boys, and having on board 424 slaves, who all respectively declared, by the assistance of an Interpreter, that they were taken on board at Badagry, in 6. 18. North Latitude, about 12 or 14 days before seizure; that soon after boarding and examining the said Vessel, a person of the name of Cackau, confined as a slave on board thereof, did claim from the Officer employed, British protection as being a British Subject then and there held in slavery, and which protection was immediately granted by him the said Charles Bullen, by detaining the said Brig "Perpetuo Defensor," and sending her up to Sierra Leone, to answer for detaining a British Subject on board as a slave; that the said Vessel appeared to be perfectly seaworthy, and was supplied with a sufficient quantity of water and provisions for the support of the said Crew and Slaves on their destined voyage to Rio Janeiro, but that no Log of any description had been found or produced by the Master, with the exception of the false one from Molembo." This Declaration is dated the 18th of April 1826, on board His Majesty's Ship "Maidstone" off Anna Bona.

Lieutenant Lyall in his Affidavit sets forth, "that Commodore Bullen being duly authorized and empowered, according to the provisions of the Additional Convention to the Treaty between His Britannick Majesty and His Most Faithful Majesty, to make seizure of Vessels under Portuguese Colours engaged in the Slave-trade, on the 18th day of April last, being off the Island of Anna Bona, they seized and detained the Brig or Vessel called "Perpetuo Defensor," whereof Antonio Mauricio de Mendonça was Master, by reason that the said Brig had on board confined, as in slavery, a person declaring himself to be a British Subject, and claiming British protection."

In the Royal Passport, No. 498, one of the Ship's Papers, dated 29th of December 1825, it is stated "that the "Perpetuo Defensor" of 212  $\frac{12}{100}$  tons, and carrying 54 men, Antonio Mauricio de Mendonça, Master, and Joao Alvez da Silva Porto, Owner, Subjects of the Empire, is bound to the Port of Bahia, and from thence to Cabinda, on the Western Coast of Africa, from whence she is to return to Rio de Janeiro; that the said Master and Owner are under an obligation to enter solely such Ports of the Coast of Africa, where the Slave-trade is permitted to the Subjects of the Empire." On the same day (the 3d of June) an Affidavit of Edward Jeffreys, Surgeon of His Majesty's Ship "Maidstone," was also brought into Court, wherein he deposed "that he professionally attended a person of the name of Cacow, who was confined as a slave on board the "Perpetuo Defensor;" that the said Cacow was removed from the said Brig on board His Majesty's Ship "Maidstone" for better attendance, where he expired on the 27th day of May last." On the consideration of these Documents by the Court, it was intimated to Mr. Lake, the Proctor of Commodore Bullen, that unless he proceeded against the said Vessel and Slaves for illicit Slave-trade, in conformity to the Additional Convention to the Treaty between Great Britain and Portugal, for the prevention of illicit Traffick in Slaves, the Court could not take cognizance of the Case: upon which intimation he refused to proceed further, and on the 13th of June offered to deliver up the Brig and Slaves to the Claimant's Proctor, Mr. Savage. On the 26th of June a Petition of the said Mr. Savage, supported by his Affidavit, was brought into Court, alleging, that he had received from Mr. Lake, the Proctor of Commodore Bullen, the Seizor, a written Communication, informing him, Mr. Savage, that he, Mr. Lake, on behalf of Commodore Bullen, was ready to deliver to the Master the said Brig and Slaves on board, and requesting him, Mr. Savage, to take immediate steps for taking charge of the said Vessel and Slaves; it was further alleged in the said Petition, that he, Mr. Savage, had endeavoured to obtain permission to communicate with the said Master, then on board the said Vessel, but, in consequence of her being under strict Quarantine, he had not been able to do so, since the time of receiving instructions from the said Master to act as Proctor on his behalf, which was prior to his receiving the Communication from Mr. Lake as aforesaid; wherefore he prayed that the cause of the said Brig might not suffer by reason that through the said Quarantine he was withheld from communicating with the Master of her.

On the 21st day of June the Master of the Brig was released from Quarantine, and allowed to come on Shore, and on the 23d Mr. Savage brought into Court the Petition of the said Master, praying to be allowed to file his Claim, which was granted, and he, at the same time, brought in the Claim, with an Affidavit in support of it; on the same day he brought in the written Communication before-mentioned, from Mr. Lake to himself, wherein the former offers to give up the Brig and Slaves; also a Petition, praying a Monition against the Captor, calling on him to proceed to Adjudication, which was granted and issued on the same day. The Claim is "of Antonio Mauricio de Mendonça, the Master of the said Brig, a Subject of His Imperial Majesty The Emperor of the Brazils, for the said Ship, her tackle, apparel and furniture, goods, wares and merchandize, and 424 Africans, or so many as were on board thereof at the time of capture thereof, by His Majesty's Ship "Maidstone," Commodore Charles Bullen, C. B. Commander, and for the value of such slaves as may have departed this life since the said capture, as the sole property of Joao Alvez da Silva Porto, an inhabitant of Rio Janeiro, as protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty The King of Portugal, dated the 28th July 1817; and for all costs, charges, losses, damages, demurrage and expences as have arisen, or shall or may arise, by means of the capture and detention of the said Brig, and her Cargo, the 424 Africans aforesaid." In the Affidavit in support of the same, the said Antonio Mauricio de Mendonça deposed to the truth of the matters and things contained in the said Claim, and al

further deposed, "that the said seizure took place on the 18th day of April last, in the prosecution of the Voyage of the said Brig from Molembo, on the Coast of Africa, to Rio Janeiro, in the Brazils, and was brought to Sierra Leone;" he further deposed, "that ever since his arrival in Sierra Leone he had been detained on board the said Brig, by reason of her having been placed under Quarantine until the 21st day of June now past, and that he, the Deponent, had not before any opportunity to proceed in his business, and in the Claim for the said Brig and the Cargo and Slaves on board; that at the time the said Brig was detained as aforesaid, the Island of Anna Bona was about 8 miles distant, the said Brig being then to the South of the Equator, and in full view of the said Island."

On the 25th of June, Mr. Macaulay, the Acting Governor, arrived from the River Gambia, and on the 26th, the Master, Antonio Mauricio de Mendonça, was produced, sworn and examined on the general Interrogatories, but nothing came out in his examination material for the Captors; he swore that 473 slaves were taken on board at Molembo from the shore, and that 49 died previous to capture

On the 27th of June, the Court was informed, by command of the Acting Governor, that the said Brig was released from the Quarantine Regulations, and that the Government of the Colony would not provide or ration the slaves after that day. On the 29th, the Court received a Letter from the Colonial Secretary, stating, "that by command of the Acting Governor, he enclosed, for the information of the Court, a Letter addressed to him by the Prize Master of the "Perpetuo Defensor," Mr. Tollervey (an Officer of His Majesty's Ship "Maidstone"), and drew the attention of the Court to the 32d Section of the Act of the 5th of George the 4th, Cap. 113, and requested to know whether the Commissioners considered that Claim to be applicable to the Court of British and Portuguese Mixed Commission, and if so, to express the Acting Governor's desire that the Court would be pleased to give the necessary instructions for carrying the same into effect." In the Enclosure it is stated by Mr. Tollervey, that "he having received directions from Mr. Lake, the Proctor for Commodore Bullen, to give up to the Portuguese Claimants the slaves in the "Perpetuo Defensor" and the "Susan," Colonial Brig, on their claiming them on to-morrow (the 29th of June), that he therefore deemed it his duty to acquaint the Colonial Secretary, that from strong symptoms of discontent and anger manifested by the slaves to-day (the 28th), on some Person on the part of the Claimants attempting to take their number in his absence, and the clamorous manner in which he was surrounded on his return, that the "Susan" would not be safe on his leaving her and the "Perpetuo Defensor" to-morrow (the 29th)."

In the course of the day of the 29th of June, the Acting Governor and the Commissioners met, when the former observed, "that he conceived the slaves on board the "Susan" had obtained their freedom by being on board a British Government Vessel," to which the Commissioners answered, "that they thought otherwise," and pointed out to him the construction they put on the Act of Parliament in question, and the Treaties and Convention therein recited, and on the day following addressed a Letter to the Colonial Secretary, stating, "that in their opinion the Clause of the Act in question did not apply to the Court of the British and Portuguese Mixed Commission."

On the 30th of June, Mr. Savage, the Claimant's Proctor, addressed a written Communication to the Court, with several Enclosures, in consequence, as he states, of the Communication from the Acting Governor to the Commissioners; he sets forth "that on the 27th of June, the Seizor's Proctor addressed to him a Letter as follows, containing an Enclosure, to wit;

' SIR,

' *Sierra Leone, June 27, 1826.*

' I beg leave to enclose you a Copy of a Letter I have just received from Mr. Cole, the Collector and Quarantine Master, respecting the support hitherto supplied the slaves on board the "Perpetuo Defensor" and "Susan," and I beg leave to remind you, that there are no provisions now on board the Vessels, and to press upon your attention the urgency of your victualling the said slaves.

' I have the honour to be, &c.

' *W. H. Savage, Esq.*

(Signed)

' JOHN DEAN LAKE, for Commodore Bullen, C.B.'

" The Enclosure is as follows :

' SIR,

' *Sierra Leone, June 27, 1826.*

' THE Colonial Surgeon having reported to the Government that the contagious disease has totally disappeared from among the slaves on board the "Perpetuo Defensor" and "Susan," and should, in consequence, be released from Quarantine, I am commanded to give you notice, that the support of these people (hitherto furnished by me) will be discontinued as soon as I receive instructions from his Honour the Acting Governor to carry the recommendation of the Surgeon into effect.

' I am, &c.

' *John Dean Lake, Esq.*

(Signed)

' THOMAS COLE, Colr. and Quarantine Master.'

" And to which he made immediate Reply, declining to provision the slaves, for the reasons therein alleged.—The Reply was as follows :

' SIR,

' *Sierra Leone, 27th June 1826.*

' IN reply to your's of this date, I am requested by the Claimant, to say, that the "Perpetuo Defensor," had when seized, provisions adequate to the full supply of the Africans, the Cargo of the said Vessel during the voyage; that her having been seized and brought to this Place, has consumed a period far beyond than necessary for the completion of the voyage, and if, therefore, the provisions are expended it can arise solely from this cause, and not through any omission or fault of the Claimant.

'I must inform you the Claimant is without the pecuniary means of procuring them food for their subsistence. The Seizors, or their Agent, therefore are called upon, for the cause of humanity in this Case, either to Petition the Colonial Government to provision them, or do it themselves, leaving the Costs thereof to after consideration. 'I have the honour to be, &c.

'John Dean Lake, Esq.

(Signed) W. H. SAVAGE.'

"As in fact, from there being no Mercantile Communication in this Colony with any Portuguese House, it was found impossible to raise money to effect such an object, as subsisting the slaves (upwards of 300 in number), without a guarantee; the Registrar of the Court having, however, since he, Mr. Savage, wrote the last Letter, distinctly stated to him, that the Judges of the Court did consider the Claimant bound to support the slaves, and that, if not fed, should any thing arise to cause a deterioration of their number, it would fall on the Claimant, he resolved to become guarantee for the supplies, to prevent any unfortunate result during the uncertainty existing, and gave directions that they should be provided for accordingly, and on the 28th instant, provisions were sent on board both Vessels, which, however, he had some difficulty in getting received. On the same day he wrote the following Letter, to the Proctor of the Seizor, to inform him of his intentions:

'SIR,

'Sierra Leone, 28th June 1826.

'I BEG leave to acquaint you that I have received directions from the Claimant in the Case of the Brig "Perpetuo Defensor," to supply the Africans on board with provisions, as well as those also on board His Majesty's Colonial Brig "Susan," which I shall endeavour to carry into effect immediately; but I have most distinctly to state, that the supply of the latter will only be continued until the sitting of the Court, when the sense of the Court will be taken thereon, as the Claimant considers those People who have been so removed, while Vessel was in charge of Captor, in the light of Persons landed in British Territory, and who will, therefore, claim every privilege the said removal may entitle them to.

'I am also to inform you, that the Claimant is himself personally unable, from severe indisposition, to look after the Vessel, and that all his Officers have been removed by the Captor, but he will endeavour to engage an Officer this day, whom, if engaged, shall proceed on board to-morrow morning.

'The removal of the European part of the Crew of the "Perpetuo Defensor," except two men and the Master, makes it almost impossible to expect that the slaves may be prevented from doing as they think fit, and, therefore, I must most particularly press on you, that, for the interest of the Seizor, the Officer and men put on board by the Seizor, may remain to assist in keeping the slaves on board until the final Judgment of the Court shall be given.

'I have the honour to be, &c.

'John Dean Lake, Esq.

(Signed) 'W. H. SAVAGE.'

"In writing the Letter of the 27th, and thereby distinctly stating, the Claimant did not possess the means to supply the slaves with provisions, he considered that the future support of the slaves would have been arranged under the authority of the 32d Section of the Act of the 5th George the 4th, Cap. 113, (this is the same Clause referred to by the Acting Governor in his Letter to the Court), that during the "Perpetuo Defensor's" having been in charge of the Seizors upwards of 240 slaves were removed to the Colonial Brig "Susan," and on his mentioning this to the Acting Governor, he most positively stated to him, that whatever might be the Decree of the Court those Persons could not, nor would he as Governor permit, that they should be put back into the "Perpetuo Defensor" as slaves, the Acting Governor having also distinctly stated to him, that provided those slaves, or any other, were restored by Decree, he would not permit them to be victualled or watered from this Colony, it therefore became a positive fact that the slaves from the moment they are brought in here, the Claimant cannot advantage by any Decree of Restitution, so as to effect their removal; that their being at once allowed to land, must only facilitate the proceedings, and ought not, he humbly conceived, debar the Claimant from indemnification.

"The circumstance of the slaves having been taken out of prisons and permitted at large in the Vessel, the intercourse held with the liberated Africans who have been employed about them, their seeing others who had been detained as slaves going on Shore, has tended to create a feeling of insubordination which, if it is manifested, the present slender Crew of the "Perpetuo Defensor" must be unable to repress:—ten persons only of the original Crew of 54 having been suffered to remain by the Seizor, present additional reasons imperatively requiring the landing of the slaves, without injury to the interest of the Claimant.

An Affidavit of the Master of the said Brig, in support of many of the Allegations contained in the aforesaid Communication from Mr. Savage to the Court, was brought into Court at the same time.

On the same day, the 30th, was brought in the Affidavit of John B. Garel, who therein sets forth, "that on the 28th day of the present Month, he was requested by William Henry Savage, to proceed on board the Brig "Perpetuo Defensor," and His Majesty's Colonial Brig "Susan," and to take with him rice as provisions for the slaves on board those Vessels, and to see they were generally supplied with every thing necessary;—that he did therefore take 20cwt. of rice, and on the same day proceed on board, and has ever since continued to supply the said slaves with rice, salt and palm-oil, and on this day, by the further direction of the said W. H. Savage, is supplying them with fresh beef, and attending to see them furnished with water; that when he first went on board the "Perpetuo Defensor" there was only a Quarter-Master in charge on board, Deponent asked him to be permitted to count the number of slaves, provided the said Quarter-Master could not tell the number; that the said Quarter-Master said, that he could not tell the number, and therefore he, Deponent, began to count them, and got to about 50, when a black man, who told this Deponent he belonged to the "Maidstone" Frigate, spoke to the slaves

in their own language, as this Deponent believes; the slaves on being so spoken to began to shew signs of displeasure, and mixed themselves so with the others, that Deponent could not count them; that on taking the said provisions the first time on board, could not induce any person, either on board the said Brig or the Brig "Susan," to take charge of the said provisions, but that Deponent had been suffered to leave the rice on board the "Susan," and issues the same every morning."

On the 1st of July, while the Commissioners were sitting, adjudicating some other Cases, the Chief Justice was called on by Mr. Samo, the Acting King's Advocate, and Doctor Barry, Deputy Inspector of Hospitals, who produced an Affidavit of the before-mentioned John Tollervey, of His Majesty's Ship "Maidstone," who therein deposed, "that 91 Natives of Africa were then confined on board a Vessel in the Harbour, called the "Perpetuo Defensor," and, as he, the Deponent, verily believed, were intended to be carried away from the Port of Freetown for the purpose of being dealt with as slaves," and, on this Evidence, insisted they were entitled to a Writ of Habeas Corpus; this was, however, denied by the Chief Justice, who stated to those Gentlemen the reasons why he could not issue any such Process. Notwithstanding this refusal, Mr. Samo sent, on the 3d instant, a written Application to the Chief Justice, under date of the 2d, enclosing a Letter to him from Dr. Barry, and the same Affidavit of Mr. Tollervey, and again paying a Writ of Habeas Corpus. On the 4th of July, by appointment, the Chief Justice heard Mr. Samo and Dr. Barry on the part of the slaves, and examined on oath every person they thought proper to bring as a Witness in the Case, the principal one of whom was Mr. Ferguson, the Surgeon of the Royal African Colonial Corps. Dr. Barry acknowledged that he himself had never been on board the Vessel. Mr. Savage, the Claimant's Proctor, with the Claimant himself, were also heard, and two Affidavits of their's, sworn before a Justice of the Peace, allowed to be read in evidence, when the Chief Justice again refused to grant the Writ of Habeas Corpus, and gave his reasons for such refusal. This matter was heard in the presence of His Majesty's late Commissary Judge, the Clerk of the Crown, and Mr. Tollervey, the Prize-Master, in addition to the Persons before mentioned. The Copies of the Documents in this Case, certified from the Crown Office, are sent with this Report.

On the following day, the 5th of July, the slaves on board the "Susan" Colonial Brig were, by order of the Acting Governor, taken possession of by Mr. Cole, the Collector of Duties, and landed and disposed of, without either the knowledge or consent of the Court, in the same manner as those have been that have been adjudged to be emancipated by the Courts of Mixed Commission; and on the 6th of July the slaves on board the "Perpetuo Defensor," 88 in number, being in a state of insubordination, were landed by the Claimant's Proctor, and, by order of the Acting Governor, received and disposed of by Mr. Cole, as the others had been that were landed the day before from the "Susan." This was also done without either the knowledge or consent of the Court.

Mr. Lake, the Seizor's Proctor, about this time petitioned the Court to have 4 black Seamen and four of the Slaves examined on Special Interrogatories, which Mr. Savage, on the part of the Claimant, objected to; first, because there was no Portuguese Commissioner in the said Court; secondly, because the Regulations did not point out any such mode for ascertaining the facts of any Case; and, thirdly, because the People to be examined had not the dread either of temporal punishment, or religious obligations, to speak the truth, and that, being persons not speaking an European language, it was impossible to make them understand the questions put through an Interpreter, who must also be a liberated African, equally ignorant.

To the first objection of Mr. Savage it was answered, "that it was neither the fault of the British Government or the British Commissioners that there was no Portuguese Commissioner, and that if the Court, in the absence of the Foreign Commissioners, could legally condemn and release Vessels, they could also do any other act for which the Court was constituted, and could therefore order the Examination of the Seamen and Slaves of any Vessel before the Court." To the second objection, it was answered, "that it had been an undeviating practice of the Courts of Mixed Commission, since their establishment, to examine not only the Master and two or three of the principal Persons on board the detained Vessel, but also others of the Crew, also the Slaves, and any one else, by whose examination truth was likely to be elicited." To the third objection, it was answered, "that it contained assertions the truth of which must be ascertained at the time of examination, except that which states the ignorance generally of the liberated Africans, which is not true, as it is notorious that many of them had resided some time in the Colony, and were persons of some intelligence, and might be procured by Mr. Savage as Interpreters, if he chose." The prayer of Mr. Lake's Petition was therefore granted, and he this day produced Jose da Costa, Manoel Nogra, Antonio Mozambique, and Juan, Seamen of the Brig, who, being duly sworn, deposed, each and severally, "that they shipped on board the "Perpetuo Defensor," at Rio Janeiro; that Angola is the name of the first Land they made, coming out from whence they went to Ambrise;" and Jose Costa, for himself, deposed, "that they there landed some Cargo; that they then went to Cabinda for a mast, and from Cabinda to Onim, and from thence to Badagry; saith there was no trading carried on, the Slaves on board her having been purchased for her by the Brig "Brillante," and were lying ready for her at Badagry, which is the Place the Slaves were shipped at." And Manoel Nogra, for himself, deposed, "that, from Ambrise they went to Cabinda, and from Cabinda they went to Onim and Badagry; that there was no trading carried on; the Slaves were purchased by a Brig called the "Brillante," and were lying ready at Badagry, which is the Place the Slaves were shipped at; knows it to be Badagry from having heard the Officers say so, and from his having made a voyage once before to Onim, and this Place being close to it." And Antonio Mosambique, for himself deposed, "that from Ambrise they went to Cabinda, and from Cabinda to Badagry; that there was no trading carried on, the Slaves on board the "Perpetuo Defensor" having been purchased for her by another Brig, called the "Brillante," and were lying for her at Badagry, which is the name of the Place the Slaves were shipped at." And the said Juan, for himself, deposed, "that, from Ambrise they went to Cabinda;

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and from Cabinda to Badagry; no trade was made for the Slaves at Badagry; the Slaves were purchased for the "Perpetuo Defensor" by another Brig, but he does not know her name; they were lying ready for her at Badagry, where they were taken on board."

On the 8th of July a Communication was made by Mr. Savage to the Court, setting forth that "under a persuasion that it was his duty to make the Commissioners acquainted with every circumstance as early as possible, which might afterwards come before the Court, he had to state, that, from the riotous conduct of the Slaves on board the "Perpetuo Defensor," and the slender Crew of the Vessel, rendered it absolutely necessary, to preserve life, that the Slaves should be put on Shore; and that, in the evening of the 6th, he caused the whole, 88 in number, to be landed, when they were immediately taken charge of by Thomas Cole, Esq., Collector and Acting Superintendent of Liberated Africans, and that he should duly authenticate the said facts."

On the 11th day of July, Ogoopooloo, Adoo, Alaconday, and Agarrée, 4 of the Slaves that had belonged to the Cargo of the "Perpetuo Defensor," were produced, sworn, and examined, on the Special Interrogatories, by permission of the Court, who, each and severally, clearly deposed to the fact of their having been shipped at Badagry.

On the day following, the 12th, Mr. Savage alleged in a Petition brought in by him, together with 2 Affidavits, "that he having been consulted by the Master of the said Brig, on the proceedings towards the slaves left on board the "Perpetuo Defensor," who were in a state of riot on the 6th instant, occasioned as he, Mr. Savage, was informed, by the circumstance of the slaves finding they were detained when the others on board the "Susan" were landed; and as the said Master declared through his Messenger to him, Mr. Savage, that his life, and the life of his men were in danger, he, Mr. Savage, therefore, gave it as his opinion, they should be landed, and the circumstances brought before the Court; that therefore they were on the 6th day of July landed, in number 88, and delivered to the Colonial Government, whereupon he prayed the two before-mentioned Affidavits should be admitted as evidence in the Cause." The two Affidavits were sworn before the Registrar on the same day, (the 12th) the first of which is that of the Acting Master, Bento Francisco de Carvalho, who was hired in consequence of the illness of the Master, who deposed "that on the 29th of June last, he, the Deponent, was engaged to proceed on board, and take charge of the Brig "Perpetuo Defensor," by reason that Antonio Mauricio de Mendonça, the Master, was ill and unable to do so, which Deponent accordingly did; that the slaves on board were comparatively peaceable until the day those who had been previously taken from the "Perpetuo Defensor," and put on board His Majesty's Colonial Brig "Susan," were removed to the Shore: on that day Deponent saw a Canoe, which he believed to be one employed for the purpose of landing the slaves from the "Susan," manned with 3 Kroomen, come alongside the "Perpetuo Defensor," when Deponent asked them, through a hired labourer, for what purpose they were come, and they answered, that a white man had sent them to wait there, that while the Canoe was so alongside, this Deponent saw several persons on board the "Susan," standing up so as to be in full view of the slaves on board the "Perpetuo Defensor," making signs to them, the said slaves, by violent gestures, passing their fingers across their throats, taking billets of wood and other things, and pretending to strike, all which was seen by the slaves on board the "Perpetuo Defensor;" Deponent, by threats to the Kroomen in the Canoe, made them shove off; that the Housa-man belonging to the "Maidstone," by the name of Martin, was repeatedly, during that day, heard hailing, and talking to the slaves on board the "Perpetuo Defensor" from the "Susan," which gestures, signs, and speaking, this Deponent believes was for the purpose of inviting the slaves on board the "Perpetuo Defensor" to acts of violence, for the purpose of their getting on Shore; that during the remainder of that day and the night, this Deponent found, with the Crew on board, a great difficulty in keeping the slaves in order, the next day they at first declared they would not eat, as they wished to go on Shore, that they took by force the fresh meat that was brought off afterwards, and commenced cooking the whole; this Deponent remonstrated with them, telling them they should use it at two meals, but they said no, they would finish it at once, as they were determined to get on Shore before night; after they had finished their meal the whole of the slaves came aft, women, men, and children, and told Deponent they would go on Shore; Deponent understands a smattering of their language, his people did the same, some went and lowered the Boat down that was astern; this Deponent did all he could to persuade them, by signs, and talking to them, to induce them to be quiet, and they would not hear; the slaves armed themselves with cannon shot, sticks, and other things they could find on the deck, and threatened violence to Deponent and the two white men on board; on the lowering of the Boat two slaves got into her; this Deponent, however, made his people begin to hoist the Boat, when the 2 slaves got on board again; during all this time Deponent saw persons on board the "Susan" by signs encouraging the acts of the slaves; Deponent was alarmed for his life at the resolute behaviour of the slaves, and made signs to them to spare him and his Crew, while he hoisted the colours as a signal of distress, and fired a gun. The slaves on having this explained, sat down around the Cabin, and Deponent made the signal for assistance, and sent away a man with the Boat, to go inform the Master of his perilous situation. This Deponent called out for assistance to the Officer on board the "Susan," but he got into his Boat and went on Shore, and did not come to Deponent's assistance. That Deponent therefore finding it was out of his power to controul the slaves, without resorting to most violent means, after consulting with the Proctor of the said Master, landed the said slaves."

And Deponent further deposed, "that at the time he took charge of the said Vessel, the Slaves were all at large, that himself and two white men, and six men of colour, were all the persons on board since Deponent has joined the said Brig, and that himself and the said Crew were not able to keep them in subjection, especially as they, this Deponent believes, were excited to riot by what was said to them by Martin and others."

The other Affidavit is of Bento Jose de Carvalho, who deposed "that he was one of the Crew of the said Vessel, and was on board when she was captured by His Majesty's Ship "Maidstone," Commodore Charles Bullen, C. B. Commander, and has continued on board ever since;



that at the time of capture all the men slaves were in irons, and were then released by the orders of the said Commander, given in the hearing of this Deponent on board the said Vessel; that during the time the said Vessel was lying in this Harbour, and while in the possession of the Officer and Men of the "Maidstone," this Deponent saw an European come alongside in a Boat, who spoke to the British Officer in charge, and soon after the greater part of the said slaves were taken from the said Brig "Perpetuo Defensor," and carried on board the Colonial Brig "Susan;" that this Deponent is certain that neither the Portuguese Master, or any of his Crew, had any thing to do with the removal of the said slaves; that on the 29th day of June last, the Acting Master, Bento, came on board, and took charge of the "Perpetuo Defensor;" that from that time until the slaves were landed from the "Susan," and which by reason of being near to, was seen by the slaves on board the "Perpetuo Defensor," there was no very particular insubordination among the said slaves. The day the said slaves were landed from the "Susan," they then came aft, and demanded to be put on Shore in the same manner. A Canoe came alongside the "Perpetuo Defensor," during the time the slaves were landing from the "Susan," this Deponent does not know where it came from, it was manned by 3 Kroomen; while said Canoe was alongside, heard a black Sailor, whom this Deponent knows to belong to the "Maidstone," talking to the slaves on board the "Perpetuo Defensor," from the "Susan," and by the signs he made, this Deponent believes that he was persuading the slaves of the "Perpetuo Defensor," to get into that Canoe, and go on Shore; this Canoe was, however, forced away by Captain Bento. The slaves continued during the day dissatisfied, and on the following morning, after the landing of the slaves from the "Susan," the slaves on board the "Perpetuo Defensor," having had their breakfasts came aft, and being armed with sticks, billets of wood, cannon shot, and other things, demanded to be put on Shore; some of them lowered down the Boat astern, and two of the slaves got into it, but they were got back. The Acting Master then tried to persuade them to abstain from violence, and promised to see what the Authorities on Shore would do for them, and having pacified them a little, the Acting Master made signals of distress by firing a gun, and hoisting the Colours; that said Acting Master ordered Deponent to go and inform the Proctor for the Vessel of his dangerous situation, which Deponent did, and soon after the slaves were landed, and delivered to the Authorities of this Colony. This Deponent saw several persons on board the "Susan" on the same day, making signs to the slaves on board the "Perpetuo Defensor," and, as this Deponent believes, encouraging them to acts of violence; that Deponent is persuaded that if the said slaves were not landed, that they would have effected the same by force, and that he was in fear for his life and the lives of the Acting Master and Crew; that the Crew only consisted of 9 persons, that the slaves were at large, and therefore the said Crew were not able to keep them in subjection."

No further proceedings took place in the Cause until the 17th instant, when Mr. Lake, the Proctor for the Captor, brought in an Affidavit made on the 13th instant, by Captain D. C. Clavering, of His Majesty's Ship "Redwing." Captain Clavering deposed, "that on or about the 8th day of January last, a Brig, under Brazilian Colours, called the "Nova Brillante," was boarded off Elmina by the Boats of His Majesty's Ship "Redwing;" that the same Brig was again boarded by a Boat of the said Ship in the latter end of February, off Badagry; and again in the latter Place, on the 7th of March last." This Affidavit corroborates the testimony of the 4 seamen to the point of the Brig "Brillante" having been at Badagry as stated by them on or about the time the "Perpetuo Defensor" was there.

On the 1st of August, Mr. Lake, the Proctor for the Captor, after stating, first, "that the Vessel and Slaves had been given up to the Claimant since the early part of June last;" secondly, "that the said Vessel and Slaves had been received by the Claimants;" and thirdly, "that since the 7th day of July no Documents of any kind whatever had been filed by the Claimant in the said Case," prayed the Court would be pleased to dismiss the Captors, and not let them suffer for the neglect of the Claimants or their Agents. This Petition was rejected, on the ground that the delay was unavoidable in consequence of the severe illness of the Commissary Judge, independent of other circumstances, and also that Mr. Lake had made assertions in his Petition which were not facts; the first of which, that states "the Vessel and Slaves were given up to the Claimants since the early part of June last," is contradicted in Mr. Tollervey's Letter to the Colonial Secretary on the 28th of June, wherein he states, "he had received Instructions from Mr. Lake, the Proctor for Commodore Bullen, to give up to the Portuguese Claimants the Slaves in the "Perpetuo Defensor" and the "Susan," Colonial Brig, on their claiming them the next day," and Mr. Tollervey dates this Letter on board the said Brig "Perpetuo Defensor." The third assertion, "that since the 7th day of July last, no Document of any kind whatever had been filed by the Claimant in the said Case," is contradicted by the Records of the Court, whereby Mr. Lake would have seen, had he applied at the Registry Office, which he ought to have done, that two Documents had been brought in by Mr. Savage since the 7th of July, viz: one on the 8th, and the other on the 12th of that Month.

The Commissioner of Arbitration, however, in the hope of facilitating the Cause, sat on the day following but one, when (both Parties having agreed to consider him alone to constitute a competent Court,) after the claim and proofs in the Case were read, he admitted the said Claim for costs, damages and expences incurred in consequence of the seizure of the said Brig and Cargo, and referred it to the Registrar to ascertain the amount thereof, and report the same to the Court. On the 23d of August, Mr. Savage brought into Court 2 Affidavits respecting a charge that had been brought before the Acting King's Advocate, respecting the slaves on board the "Perpetuo Defensor." The first of these Affidavits is that of John Garel, who deposed, "that on the 6th day of July last, during the time that this Deponent was executing the office of providing the slaves on board with provisions on behalf of the Claimant of the said Brig, that he was desired by William Henry Savage, the Proctor on behalf of the said Claimant, to attend at 3 o'clock of the same day, at the House of the Acting King's Advocate, the said Proctor informing this Deponent that the Acting Governor had desired the said Crown Officer to inquire into a charge made against this Deponent respecting the said slaves; that the Deponent and Proctor attended

accordingly at the house of the said Acting King's Advocate, when an Officer, belonging, as Deponent was informed, to the "Maidstone" Ship-of-War, made a charge against this Deponent, that he had been the means of preventing the escape of the slaves on board the "Perpetuo Defensor;" that the said charge was fully gone into before the said Acting King's Advocate, and dismissed as unsupported by evidence; and Deponent further says, that this Deponent was then informed by the said Acting King's Advocate, that his Honour the Acting Governor had requested it should be stated to this Deponent, that if this Deponent at all interfered to prevent the escape of the slaves, or to keep them on board, that he would be proceeded against according to law; in the other Affidavit, William Henry Savage, the Claimants' Proctor, deposed, "that on the 6th day of July last, he was informed by his Honour the Acting Governor, the Honourable Kenneth Macaulay, that in consequence of a complaint made to him, he desired that John Garel should attend the Acting King's Advocate at 3 o'clock, to have the said charge inquired into; that Deponent therefore gave such notice to the said John Garel, and with him attended the Office of the Acting King's Advocate; that a charge was brought against him, the said John Garel, for assisting the Portuguese in charge of the said Brig "Perpetuo Defensor" to prevent the slaves from escaping from the said Brig, and to keep them in confinement on board the said Brig; that Deponent stated that he had sent orders to the Acting Master to prevent any one from leaving the said Brig who were considered part of the Cargo, and therefore that any message delivered by the said John Garel, to that tenour and meaning was according to his Instructions; that the said Acting King's Advocate then stated, that he had it in command to state, that if John Garel, or any other person belonging to the Colony, employed about the said Brig or not, were to prevent the said slaves from leaving the said Brig, or to keep them on board, were aiding and assisting, they would be prosecuted. These Affidavits were not answered by the Proctor for the Captor, till after the Registrar had made his Report of the amount of costs, damages and expences, which was on the 29th of August, in consequence, as was stated by Mr. Lake, of his not knowing Mr. Savage had filed the said Affidavits, till he saw it mentioned in the Registrar's Report, he therefore brought in two Affidavits on the 6th day of September, in answer to them,—in the first of which he, the said John Dean Lake, deposed, "that on the 6th day of July last, at or about 4 o'clock in the Afternoon, he, this Deponent, being at Government House, in conversation with his Honour the Acting Governor, did see Mr. William Henry Savage enter the said House and inform his said Honour the Acting Governor that he, Mr. Savage, had come to the decision of landing a number of slaves that were on board the said Brig, and to abide the decision of the Court of Mixed Commission; that at the time this Deponent clearly and distinctly heard the said Mr. Savage express to his Honour the Acting Governor, that although he, Mr. Savage, had come to the decision of landing the said slaves, yet he had means in his power, or on board the said Vessel, to coerce the said slaves should he deem it expedient, and that he would take the chance of being paid the value of the whole of the said slaves, or no part thereof.

"That the said slaves were landed on the same evening by the direction and under the superintendence of the said Mr. William Henry Savage." In the other of these Affidavits the Honourable Kenneth Macaulay deposed, "that he had read the before-mentioned Affidavit of Mr. Lake, the Proctor in the said Cause, and had found that the several circumstances therein stated to have taken place, to be truly alleged."

In reply to these Affidavits, on the 11th of September following, Mr. Savage brought in an Affidavit made by him, in which he deposed, "that during the period that there existed some uncertainty respecting the feeding of the slaves on board the "Perpetuo Defensor" and the Colonial Brig "Susan," this Deponent waited on his Honour the Acting Governor of the Colony (Mr. Macaulay), and in conversation respecting the said slaves, his Honour declared unto this Deponent, 'that even if the Court of Mixed Commission were to restore Claimant the slaves, it would be impossible for Claimant to carry them away in slavery, as in his capacity of Acting Governor, he would not permit the said Vessel to procure provisions or water in this Colony for the use of the said slaves;' that the person employed in supplying provisions was brought up before the Acting King's Advocate, to answer for his conduct relative to the using some means to prevent the escape of the slaves, and charges of cruelty had also been made against the Acting Master, on which was founded a motion for a Writ of Habeas Corpus to remove the said slaves from on board the "Perpetuo Defensor," Deponent could not, therefore, venture to advise the adoption of any coercive measures towards the said slaves, so as to keep them in subordination, for fear of incurring the displeasure of his Honour the Acting Governor, and involving the Acting Master and Crew, and also this Deponent, in a criminal prosecution. And this Deponent having had represented unto him the very outrageous manner the slaves were acting, after they had seen their fellows landed from the "Susan," both towards the Acting Master and the slender Crew on board, did, therefore, to prevent any fatal consequence, either to the Crew or Slaves, and which Deponent had every reason to believe would take place if the said slaves were not permitted to be landed, and also taking into consideration the aforesaid Declaration of his Honour the Acting Governor, and the several circumstances before mentioned, did advise the Claimant to give way to necessity, and consent to the landing the said slaves, and that the Claimant having consented, this Deponent, on or about the 8th day of July, did wait on his Honour the Acting Governor, and state to his Honour that Claimant had come to the resolution of letting the said slaves be landed, and that this Deponent did, therefore, concert measures to carry the same into effect before the close of that day, being pressed thereto by the Acting Master and Crew, who further declared unto this Deponent their fears for their personal safety were so great that, unless the said slaves were landed before night, they, the said Acting Master and Crew, would quit the Vessel."

After this a delay of several days took place before the Court could further consider this Case; in consequence of the intervening of the Quarter Sessions, at which the Commissioners had to attend, and which was of much longer duration than is commonly the case.

On the 26th of September, the Court having maturely considered the Report of the Registrar, ordered the same to be referred back to that Officer to be amended, by striking out, under the

head of Special Damages and Expences, £256, being of opinion that the said sum was claimed for expences which the amount allowed for demurrage would cover. The Court further directed that in lieu of the sum of £225, allowed by the Registrar for the Interest of the supposed Capital employed, which includes the value of the Brig, that the Interest be allowed on the amount of the purchase and maintenance of the Cargo, which the Court conceived meant the purchase and maintenance of the slaves only, reckoning the value of the slaves and their maintenance at the cost-price in the Brazils, of the goods with which the slaves were purchased, and the means of their maintenance procured, in manner following, viz: 473 slaves shipped on board, according to the Master's statement, at £4 each, according to the Leeward price, and 2d. British sterling per head, per diem, for the maintenance of each slave, that being about the rate of maintenance of the liberated Africans when first landed in this Colony.

On the 28th of September the Registrar brought in the amended Report, wherein he stated his opinion that the Claimant was entitled to, first, £79, for special costs, damages, and expences occasioned to the Brig by detention; secondly, £1430 for demurrage, from April the 18th to the 26th of August at £11 a day, the Brig being 212<sup>20</sup>/<sub>100</sub> tons burthen; thirdly, £122 10s. for subsisting the slaves from the 29th of June to the 6th of July, at 1s. per day for each slave; fourthly, 79,716,000 reis for the total loss of 364 slaves, at 219,000 reis each, (under the fifth head no Claim was made); sixthly, £102 9s. 8d. for 5 per cent on the amount of the Capital employed in the purchase and maintenance of the Cargo, amounting in the whole to £1,733 19s. 8d. and 79,716,000 reis.

After the Report was read, Mr. Lake, the Proctor for the Captor, prayed the Court that the said Report might be further amended by allowing for the total loss of 276 slaves only, instead of 364, by reason of the Claimant's Proctor having taken upon himself to land the 88 slaves from the "Perpetuo Defensor," there having been no necessity for his so doing, and insisted that there had been no violence manifested on the part of the slaves to warrant their having been put on Shore, nor were they at that time in a state of revolt; but as the Court were of opinion that the revolt and violence manifested by the slaves had been clearly proved by the Affidavits filed for that purpose, the allegations in which had not been attempted to be refuted but by the simple assertion of Mr. Lake, which assertion did not accord with what had been said in the Letter to the Colonial Secretary, by Mr. Tollersey, the Prize Master; and as it had also been distinctly proved by the Affidavits of Messrs. Savage and Garel, that it was the determination of the Colonial Government not to allow any one to controul the said slaves from leaving the Vessel if they pleased, which although said to be answered by Mr. Macaulay, the Governor, and Mr. Lake, the Captor's Proctor, yet not one of the assertions in those Affidavits were even denied by them in their Affidavits, but only fresh matter alleged, stating that Mr. Savage had asserted he had the means in his power, or on board, of coercing the slaves if he chose it: the Court, therefore, being fully satisfied that the Claimant, Antonio Mauricio de Mendonga, was obliged to submit to circumstances, and being also of opinion that, if the slaves had not been excited to insubordination by Martin and others, there would have been no revolt, and consequently no necessity to land them, refused the prayer of Mr. Lake. The Court then confirmed unconditionally the sum allowed by the Registrar for Costs of Suit, and for Special Damages and Expences occasioned to the said Brig by detention, amounting to £79; the Court also confirmed unconditionally the sum allowed by him, for provisioning the slaves from the 29th of June to the 6th day of July last, amounting to the sum of £122 10s., and it having been represented and proved to the satisfaction of the Court, that the said Ship would be unable to proceed to Sea, unless the Master could raise a further sum of £150, by the Court giving a further unconditional award for that sum, the Commissioners, therefore, did also unconditionally confirm so much of the sum allowed by the Registrar in the said Report, for demurrage, as amounts to £150, making in the whole an unconditional award for £351 10s. for costs of suit, special damages and expences, provisioning the slaves, and for part of the demurrage.

And the Commissioners being fully convinced that the Claimant in this Case had carried on an illicit Traffick in Slaves during the present voyage, inasmuch as it had been clearly proved that Slaves taken on board this Vessel were shipped from Badagry in 6. 26. North of the Equator, in direct defiance of the Additional Convention to the Treaty made between Great Britain and Portugal in the Year of our Lord 1817, for the prevention of illicit Traffick in Slaves; and the Commissioners, therefore, having deemed it just and equitable that the Case should be adjudicated on the same principles as the Case of the Brig "Activo," whereof Joze Pinto de Araujo was Master, which Case was lately before the Court, inasmuch as Commodore Bullen, the Captor, could not be aware of the decision in that Case at the time he made the present seizure; and the Commissioners being of opinion, as in that Case, that the absolute and unconditional confiscating the whole of the amended Report would be contrary to the principles of equity, and would in point of fact be rewarding the Claimant, not only for a breach of the Convention between Great Britain and Portugal for the prevention of the illicit Traffick in Slaves, but also for a breach of the Laws of his own Country; and the Commissioners having considered in this Case, as in the former, that, by the Convention aforesaid, there is no appeal from their Judgment, and also that it was most desirable that some additional measure should be adopted by the British and Brazilian Governments, for the prevention of such glaring violations of the Convention as the present and that of the "Activo;" and in the hope that this Case may, in addition to the other, particularly call forth the attention of both Governments, have, therefore, only confirmed the remaining part of the said Report, in the event of the British and Brazilian Governments agreeing and declaring the same ought to be confirmed, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

(Signed)

D. M. HAMILTON.

## Second Enclosure in No. 46.

*Decree of the Mixed Commission, 3d August 1826.*

Portuguese Brig "*Perpetuo Defensor*," Antonio Mauricio de Mendonça, Master.

THE Proctors for Captor and Claimant having petitioned the Court to appoint an early day for the hearing of the Parties in the above Cause; His Britannick Majesty's Commissioner of Arbitration, sat this day for the purpose of furthering the Proceedings in this Case, the Proctors on each side agreeing to consider His Britannick Majesty's Commissioner of Arbitration, sitting by himself, in the unavoidable absence of His Britannick Majesty's Commissary Judge from severe illness, as a full and competent Court.

The said Commissioner of Arbitration, having heard the Claim and Proofs read, and the Proctors on both sides thereon, admitted the Claim for Costs, Damages and Expences incurred, in consequence of the Seizure of the said Brig and Cargo, and referred it to the Registrar to ascertain the amount thereof, and report the same to the Court.

## Third Enclosure in No. 46.

*Decree of the Mixed Commission, 26th September 1826.*

Portuguese Brig "*Perpetuo Defensor*," Antonio Mauricio De Mendonça, Master.

THIS day the Court, after hearing the Report of the Registrar read, and the Proctors on both sides on the same, ordered the said Report to be referred back to the Registrar to be amended by striking out, under the head of Special Damages and Expences, the following sums: viz:—

£22 0s. Amount of Baker's bill for 80 days.

22 0s. Amount of Butcher's bill for 80 days.

60 0s. To purchase provisions for Crew of 19 persons for a Voyage from hence to Rio Janeiro, a supposed Voyage of 60 days.

20 0s. To purchase Cabin stores.

15 0s. For wooding and watering.

19 10s. } For advance to Seamen hired here:

97 10s. }

the Commissioners being of opinion the said sums are expences, which the amount allowed for demurrage covers. The Commissioners further directed that in lieu of the sum of £225 allowed by the Registrar for the interest of the supposed Capital employed, which includes the value of the Brig, that the interest be allowed on the amount of the purchase and maintenance of the Cargo, which the Commissioners conceive means the purchase and maintenance of the slaves only, reckoning the value of the slaves, and their maintenance at the cost price in the Brazils of the goods with which the slaves were purchased, and the means of their maintenance, procured in manner following, viz:—473 slaves shipped on board according to the Master's Statement, at an average of £4 each, according to the Leeward price, and two-pence, British sterling, per head per diem for the maintenance of each slave, that being about the rate of maintenance of the liberated Africans when first landed in this Colony, which appears to the Court to be a fair rate.

## Fourth Enclosure in No. 46.

*Decree of the Mixed Commission, 28th September 1826.*

Portuguese Brig "*Perpetuo Defensor*," Antonio Mauricio de Mendonça, Master.

THE Registrar's Report, amended, as ordered by the Court on the 26th day of this instant month of September, being brought in and read, and Proctors on both sides being heard on the same, the Commissioners confirmed, unconditionally, so much of the said Report as the Registrar therein set forth the Claimant was entitled to for costs of suit, and for Special Damages and Expences occasioned to the said Brig by detention, amounting to £79; they also confirmed unconditionally so much more of the said Report as the Registrar stated the Claimant entitled to for provisioning the slaves, from the 29th of June to the 6th day of July last, amounting to the sum of £122 10s.; and it having been represented and proved to the satisfaction of the Court, that the said Ship would be unable to proceed to Sea, unless the Master could raise a further sum of £150, by the Court giving a further unconditional award for that sum; the Commissioners therefore did also unconditionally confirm so much of the sum allowed by the Registrar in the said Report for demurrage as amounts to £130. Whereupon the Commissioners did award and decree that Charles Bullen, Esquire, the Captor in this Case, do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, unconditionally, the before mentioned sums, amounting in the whole to £351 10s. being for costs of suit, special damages and expences, provisioning of the slaves and for part of the demurrage as aforesaid.

And the Commissioners having stated their conviction, that the Claimant in this Case had carried on an illicit Traffick in Slaves during the present Voyage, inasmuch as it had been clearly proved that the slaves taken on board this Vessel were shipped from Badagry, in 6. 26. North of the Equator, and 2. 52. Longitude East of Greenwich, in direct defiance of the Convention made between Great Britain and Portugal, in the Year of our Lord 1817, for the prevention of illicit

Traffick in Slaves ; and the Commissioners, therefore, deeming it just and equitable that this Case should be adjudicated on the same principles as the Case of the Brig "Activo," whereof Jozé Pinto de Araujo, was Master, which Case was lately before this Court, inasmuch as the said Charles Bullen, Esquire, could not be aware of the decision in that Case at the time he made the present Seizure, and the Commissioners being of opinion, as in that Case, that the absolute and unconditional confirming the whole of the amended Report, would be contrary to the principles of equity, and would, in point of fact, be rewarding the Claimant, not only for a breach of the Convention, between Great Britain and Portugal, for the prevention of the illicit Traffick in Slaves, but also for a breach of the Laws of his own Country ; and the Commissioners having considered in this Case, as in the former, that by the Convention aforesaid, there is no appeal from their Judgment, and also that it is most desirable that some additional measure should be adopted by the British and Brazilian Governments for the prevention of such glaring violations of the Convention as the present, and that of the "Activo," and in the hope that this Case may in addition to the other, particularly call forth the attention of both Governments, have, therefore, only conditionally confirmed the remaining part of the amended Report ; and therefore the Commissioners did further award and decree that the said Charles Bullen, Esq., the Captor in this Case, do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, the sum of £1,280 for the remainder of the amount of demurrage of the said Brig, provided the British and Brazilian Governments agree and declare that the said sum ought to be so paid according to the true intent and meaning of the Convention aforesaid, but not otherwise.

And the said Commissioners did further award and decree that the said Charles Bullen, Esq., do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, the further sum of 79,716,000 reis, for the total loss of 364 slaves, provided, as before, that the British and Brazilian Governments agree and declare that the same ought to be so paid according to the true intent and meaning of the Convention aforesaid, but not otherwise.

And the said Commissioners did further award and decree that the said Charles Bullen, Esq., do pay to the said Antonio Mauricio de Mendonça, or his lawful Attorney or Attornies, for his use, the further sum of £102 9s. 8d. being for the interest on the estimated capital employed in the purchase and maintenance of the Cargo of slaves, provided, as before, the British and Brazilian Governments agree and declare that the said sum ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

### No. 47.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 30, 1826.*

YOUR several Despatches up to the 12th of October, marked Portugal, have been duly received.

In reference to the Despatches containing Reports of the Cases of the Ships "Activo" and "Perpetuo Defensor," I have to refer you to the Case of the "Sinceridade," adjudged by you in the Year 1823, and to the Declaration which, in that Case, was made to His Most Faithful Majesty by the British Government, through The King's Envoy : that, on the one hand, no Compensation can, in equity, be due to Traders for losses sustained by them in Cases of Traffick carried on under circumstances which constitute illegal Trade ; whilst, on the other hand, no Condemnation of a Vessel ought to take place when the capture is made at a Spot not absolutely within the Boundary prescribed for Capture by the Treaties.

This Declaration was not objected to by the Portuguese Government, and the principle of it, therefore, may be considered to be fully admitted.

As the Cases of Brazilian Vessels charged with illicit Slave Trade must be adjudged under the Compacts and Agreements with Portugal, until some further and special Convention shall be entered into upon the subject between the Countries of Great Britain and Brazil, there is at present no clear course for you to pursue, in regard to Brazilian Vessels, other than to act upon the spirit of the Compacts and Agreements with Portugal.

In regard to those Slaves who, under circumstances of illegal shipment, but unwarranted capture, shall actually have been brought to Adjudication, I have to acquaint you, that the principle on which the Court acted in the "Perpetuo Defensor," in decreeing such Slaves to be restored to the Master, for the use of the Claimant, was correct. But if special Cases should occur, in which the Court should be prevented, by unforeseen circumstances, from making such a Decree, or should be required to make any special disposition of such

Slaves, it must use its discretion as to what may be right to be done. The Court cannot, with propriety, condemn them, or make an Order for their Emancipation. The only expedient seems to be, that the Slaves should be placed under the superintendence of the Local Government by some Conditional Order. But this again will be subject to the Instructions which you may receive on the objection which has occurred in the Case of the "Activo" and "Perpetuo Defensor," on which I shall probably have, shortly, to instruct you farther.

I am, &c.

(Signed)

GEORGE CANNING.

*His Majesty's Commissioners.*

# SIERRA LEONE. *(Netherlands.)*

No. 48.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, March 13, 1826.*

WITH reference to the Treaty with the Netherlands for the Prevention of Slave-trade, I have to acquaint you, that, by a Communication this day received from the Admiralty, it appears that the Instructions referred to in the said Treaty, have been issued to the following Ships and Vessels of His Majesty's Navy :

Names.	Guns.	Commanders.
<i>Hussar</i> .....	46 .....	G. Harris.
<i>Brazen</i> .....	26 .....	G. W. Willes.
<i>Primrose</i> .....	18 .....	Oct. V. Vernon.
<i>Redwing</i> .....	18 .....	D. C. Clavering.
<i>Dispatch</i> .....	18 .....	Robt. W. Parsons.
<i>Ferret</i> .....	10 .....	Wm. Hobson.
<i>Conflict G. V.</i> .....	12 .....	Lieut. J. Chrystie.

And that the Instructions, which had been issued to His Majesty's Ships "*Pyramus*," "*Ariadne*," "*Bann*," "*Victor*," "*Ringdove*," and "*Grecian*," have been recalled, and cancelled. I am, &c.

*His Majesty's Commissioners.*

(Signed) GEORGE CANNING.

No. 49.

*John Tasker Williams, Esq. to Mr. Secretary Canning.—(Received May 22.)*

SIR,

*Sierra Leone, February 15, 1826.*

I HAVE the honour to transmit, herewith, a Report of the Case of the Dutch Schooner "*Hoop*," belonging to St. Eustatius, Jacob Walters, Master. She was detained, off Manna, on the 3d January, by a Boat of His Majesty's Ship "*Maidstone*," Commodore Bullen, and brought into Sierra Leone.

This Case came on for Adjudication in the British and Netherlands Court of Mixed Commission on the 23d of January, and was proved to come so clearly under almost all the Provisions of the Additional Article to the Treaty between His Majesty and His Majesty The King of the Netherlands, signed at Brussels, the 25th of January 1823, that I do not feel myself justified in trespassing on your time by any detail of particulars, but beg to refer you to the Report.

I have the honour to be, &c.

(Signed) JOHN TASKER WILLIAMS.

*The Right Hon. George Canning,*

&c.

&c.

&c.

Enclosure in No. 49.

*Report of the Case of the Dutch Schooner "Hoop," Jacob Walters, Master.*

THIS Vessel was detained on the 3d of January 1826, off Manna, by a Boat of His Majesty's Ship "*Maidstone*" (Commodore Bullen, C.B.) under the command of Lieutenant William Gray, of the same Ship.

The Declaration of Commodore Bullen states, that the Boat of His Majesty's Ship "Maidstone," under the command of Lieutenant Gray, being between the River Gallinas and Manna, and off Shore about 20 miles, detained the "Hoop," sailing under Dutch Colours, belonging to St. Eustatius, not having slaves on board, but falling under several of the designations of the Additional Articles to the Treaty with the Netherlands, of the 4th May 1818, signed at Brussels on the 25th day of January 1823, viz:

Having been found within the limits particularly specified in the aforementioned-Treaty, and hovering about the said River Gallinas and Manna.

Having her hatches fitted with open gratings, instead of being fitted with close hatches, as usual in Merchant Vessels.

Having spare plank, numbered, cut and fitted, for readily laying a slave, or moveable, deck.

Having on board shackles, bolts and hand-cuffs, contained in casks, to appearance, at first sight, part of the Cargo for trade, being similarly packed to bread, beef, &c.

Having on board a greater number of water-casks, and many of them filled, more by far than requisite for the consumption of the Crew, as a Merchant-Vessel, and no Certificate produced by the Master from the Custom-House at which he cleared out, stating that sufficient security had been given by the Owners that such casks should only be used for the reception of palm-oil.

Having on board a quantity of mess kids.

Having on board large boilers, and also a great quantity of rice, the whole far beyond any probable requisite for the use of her Crew as a Merchant-Vessel, and no Manifest produced by the Master that the rice was part of the Cargo for trade.

The Papers and necessary Affidavits were delivered into the Registry on the 9th of January 1826, and a Monition was prayed for and issued on the 11th, citing the Parties interested in the Cause to appear, in proper time, before the Court; which Monition was returned to the Registry on the 19th.

This Schooner, when taken, had only 4 Papers on board, viz: her Passport, Clearance, Muster-roll and Log. Her Passport, granted by the Governor of St. Eustatius, "W. A. Von Spengler," on the 23d of November 1825, states her to be the property of John Hill, a Naturalized Subject of The King of Holland, residing in St. Eustatius. There is a Special Clause in the body of the said Passport, that it should hold "good for 12 Months for general navigation, excepting on the Coast of Guinea." ("Goed voor twaalf Maanden om overal te navigeren uitgezonderd op de Kust van Guinea.")

Her Clearance, signed by J. Verscheur, the Collector at St. Eustatius, on the 23d of November 1825, states her to have cleared out with a Cargo for exportation for the Coast of Brazil, and her Log, in positive contradiction, proves her to have come direct to the Coast of Africa, which she had made 2 days only previous to capture.

The Master, Mate and Steward, on their Examination, deposed, that the Schooner in question, and Cargo laden on board of her, were the property of the said John Hill, that their object in coming to the Coast of Africa was to trade for palm-oil and ivory, and totally denied all knowledge of the facts stated by the Captors, with the exception of the acknowledgment, that the Vessel was fitted with open gratings. The Master further deposed, that instructions from the Owner for his future guidance had been sent to the Gallinas, to await his arrival there.

Under these conflicting circumstances, the Court decreed a Commission of Inspection and Survey to issue to the Marshal, and two other respectable Persons to proceed on board the said Schooner "Hoop," and to report thereon.

Their Report confirmed, in every material point, the Declaration of the Captor.

No Claimants appeared for the Vessel, and no doubt existing in the minds of the Commissioners as to the illegality of the Voyage in which the said Schooner "Hoop" was engaged when taken, Sentence of Condemnation was passed against her, and she was accordingly condemned as lawful Prize, to the Crowns of Great Britain and Holland.

Sierra Leone, February 15, 1826.

JOHN TASKER WILLIAMS.

## No. 50.

J. T. Williams, Esq. to Mr. Secretary Canning.—(Received May 22.)

SIR,

Sierra Leone, March 20, 1826.

WITH the present Despatch, I have the honour to transmit to you a Report of the Adjudication of the Schooner "*Amable Claudina*," Claudio Picaluga, Master, sailing under Dutch Colours. She was detained by His Majesty's Ship "Atholl," off the Castle of St. George d'Elmina, on the 12th of November 1825, and sent here to be tried before the British and Netherlands Mixed Court of Justice, by which Court she was condemned on the 6th of February last, for having been concerned in illegally trafficking in Slaves.

I also forward, herewith, the Report of the Case of the Brig "*Charles*," Louis L'Oiseau, Master, sailing under the same Flag, which Vessel arrived in this Harbour on the 21st January, having been captured by His Majesty's Brig-of-War, "*Conflict*," Lieutenant John Chrystie, Commander, off Duke's



Town, in Old Calabar River, on the 22d of December last; she is reported to be of 190 tons burthen, and is stated to have had on board, when taken, 265 Slaves; the trial of this Vessel took place on the 15th instant, and she was condemned as lawful Prize.

It is, indeed, matter of great regret to me, to have to report to you, Sir, that this baneful traffick appears to have assumed a novel feature, and which, until it be checked, must of certainty tend most materially to increase the misery inflicted on the wretched population of this ill-fated Country. The Slave-trade is now carried on to a much greater extent than has been hitherto known, under cloak of the Flag of His Majesty The King of the Netherlands.

During the last 8 Months, no less than 7 Vessels have been brought in by His Majesty's Squadron for Adjudication, viz: the "*Bey*;" "*Z*;" "*La Venus*;" "*Hoop*;" "*Amable Claudina*;" "*Charles*;" and "*Vogel*;" 6 of these Vessels were furnished with Papers from the Colonial Authorities at Saint Eustatius, and one at Curaçao.

The 3 first Cases were decided previous to my arrival; the circumstances which were developed in each of them, elucidated so clearly the object they had in view, as to leave no doubt on the minds of the Judges, as to the illegality of the pursuits in which the Parties connected with these Vessels were concerned.

For the particulars of the "*Hoop*," I beg to refer you to my Despatch, and Report of the 15th of February.

There are certain points connected with the "*Amable Claudina*" and the "*Charles*," more particularly the former, which I deem it my duty to submit to you.

Had it not been for the application which was made to Captain Murray, by the Authorities of His Netherlands Majesty's Government on the Gold Coast, I humbly conceive his power would not have been competent to any interference with any Vessel, bearing that Flag, under the walls of their principal Settlement. The peculiar circumstances of this transaction, called upon as he was by them to act, would, however, have rendered this observation on my part needless, did I not consider it to be my duty to communicate to you all such matters connected with this branch of the Publick Service, as may come to my knowledge. It would appear that the view which the Governor of Elmina took of this matter was, that the Moiety of the Proceeds of the "*Amable Claudina*" did, of right, belong to his particular Government on the Gold Coast, and, acting upon this impression, he wrote a Letter on the subject to His Netherlands Majesty's Judge. A translated Copy of this Letter was handed to me by Mr. Bonnouvrié, which I have deemed it best to forward to you, in order to guard against any observations that may, by possibility, be made; not that I anticipate any such, for the Vessel having been sent to this Court for Adjudication, the disposition of the Proceeds is so clearly provided for, as to leave no room for discussion.

I also transmit a Copy of Mr. Breggen Paauw's Letter to Captain Murray, with the Affidavit of the latter, as well as the Affidavit of Lieutenant Caiger, who took possession of the Schooner.

As all these Cases seem to bear a similar stamp, I have further thought it right to send you a Copy of the Licence granted by the Governor of St. Eustatius to the Persons concerned in the "*Amable Claudina*."

These Licences are evidently obtained (and that for the purpose of attempting to delude), by Parties who are not at all connected as regards the Person or the Property, with the Flag under which they endeavour to cloak their nefarious purposes.

The 2 Vessels, the "*Bey*" and the "*Hoop*" are, doubtless, American Property; the Owners naturalized at St. Eustatius. Two others, the "*Z*," and "*Venus*," are French; the Owners and Consignees being Messieurs Saubot, Joubert, and Co. of Martinique. Half the Cargo of the "*Amable Claudina*," was French Property belonging to Persons at Bordeaux; and the connection of the "*Charles*" with "*Guadaloupe*," renders her property, to say the least of it, doubtful.

I have thought it to be my duty to communicate with my Colleague, Mr. Bonnouvrié, on the nature of these Proceedings, and he has assured me, that he has made strong representations to his Government on the subject; these, I hope, may have a beneficial influence, and that His Netherlands Majesty may be pleased to direct the Governors of his Colonies to exercise greater caution, as to the Parties to whom such Licences are granted.

I cannot conclude my observations on this Case, without expressing my extreme regret, after the sense, you, Sir, had expressed of the Affair of the "Rosalia," and others, that a similar line of proceeding should have been followed in the present instance; and that such measures should have been adopted to influence the re-shipment of the slaves in the "Amable Claudina," at, or near, to Popoe. I thought it necessary to communicate verbally with Commodore Bullen on this subject, and should have done so officially, had I not felt a delicacy, arising from the fear that I might be considered as overstepping the line of duty which has been marked out for me.

The principal peculiarity in the Case of the "Charles," is, that she is the only Vessel of the late number under the Dutch Flag that has been taken with slaves on board. She also sailed under a Licence from the Governor of St. Eustatius, as appeared by the concealed Papers which were found on board. Amongst the French Papers which were first produced, there was one, dated at "Pointe a Pitre, Guadeloupe," 24th April 1825, only 3 days previous to the date of a similar Document at Saint Eustatius; it states her to be "Le Brick L'Eugene," Commandé par Le Sieur Louis Guion, Appartenant à Monsieur Victor Rancé, allant au Grand Cabotage." For the further circumstances of this Case, I beg your reference to the Report.

I find one Document among the Papers of the "Charles," a Copy of which I think of importance to send to you; it is a Receipt for the large sum of 600 dollars, received by "T. G. Groebe," the Government Secretary at St. Eustatius, for renewing the Register and Muster-roll, and for obtaining Security for 2000 dollars, which Security, it appears, by other Documents, was given that she should not be illicitly employed in the Slave-trade.

The last Vessel in the List, which I have given in the preceding part of this Letter, "The Vogel," arrived here on the 11th instant, she was taken off Grand Carrow, by a Boat of His Majesty's Ship "Brazen," Captain Willes, on the 22d of January last, on the plea of being fitted out for the Slave-trade. The Court will have to take this Case into consideration in a few days, when I shall have the honour to make my Report to you upon it.

I fear there may have been the appearance of a neglectful delay in some of my Communications, but this has been caused by circumstances, which I regret, but not by myself; they are such as, I trust, may not again occur, and I have, therefore, Sir, to pray your indulgence.

I have the honour to be, &c.

(Signed) JOHN TASKER WILLIAMS.

*The Right Hon. George Canning,*  
&c. &c. &c.

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First Enclosure in No. 50.

*Report of the Case of the "Amable Claudina," Claudio Picaluga, Master, captured under Netherlands Colours.*

THE "Amable Claudina," a Schooner of the burthen of 85 tons, of which Claudio Picaluga was Master, was taken possession of in the Roadstead of St. George d'Elmina, by Lieutenant Caiger, acting under orders from Captain James Arthur Murray, of His Majesty's Ship "Atholl," on the 12th day of November 1825.

The Declaration of Captain Murray sets forth, that on the day specified, being off Elmina Castle, he detained the Schooner "Amable Claudina," sailing under Dutch Colours, commanded by Claudio Picaluga, who declared her to be bound from Bordeaux to the Coast of Africa, on the

ground of her having on board a moveable, or slave-deck, open gratings, and being fitted for the reception of slaves; that she was supplied with an extraordinary number of water-casks for a Cargo of Slaves, and also on the plea of her having had slaves on board during the Voyage which she was then prosecuting, being in contradiction to the Explanatory and Additional Articles to the Treaty of the 4th May 1818, between His Majesty and His Majesty The King of the Netherlands, signed at Brussels the 25th January 1823.

His Majesty's Ship "Atholl" having arrived at Sierra Leone (previous to the "Amable Claudina," and representations having been made that His Majesty's service required her early departure to another Station, the Captor's Proctor petitioned the Court to be allowed to file the Papers, which was granted; and the said Papers, together with Captain Murray's Affidavit, were lodged in the Registry on the 3d January 1826.

On the 11th January, an Affidavit of Captain Murray was filed in Court, having attached to it a Letter delivered to him, the said Captain Murray, and thus addressed, "To the Captain of His Britannick Majesty's Ship of War, just arrived in Cape Coast Roads."

This Letter was from J. C. Vander Breggen Paauw, as second in command at Elmina Castle. It was dated "Elmina Castle, 11th November 1825," and states, that in consequence of the Governor, Major Last, being very ill, the management of the Publick Service devolved upon the Writer; and informing the Commander of His Britannick Majesty's Ship, that a Schooner, under Dutch Colours, came to anchor in those (Elmina) Roads that morning; that from her Papers and other circumstances, he had every reason to suspect that she was engaged in the Slave-trade.

Mr. Breggen Paauw further expressed it to be his sincere wish, as well as his duty, to put a stop to this detestable Traffick; and his hope, that the Commander of his said Britannick Majesty's Ship would examine the Vessel.

It was in consequence of this Letter, that Captain Murray proceeded to Elmina, and caused possession to be taken of the Schooner "Amable Claudina," on the grounds which have been previously stated in his Declaration, and sent her for Adjudication to the British and Netherlands Mixed Court of Justice at this Place.

On the same day (the 11th of January) a Monition was prayed, and issued accordingly.

Claudio Picaluga, the Master, in his examination on the Interrogatories, states himself to be a Genoese by birth; that his Place of residence is Curaçao; that he is a Naturalized Subject of The King of Holland; that he purchased the Schooner "Amable Claudina" at Curaçao, of which he is the sole Owner, and half Owner of the Cargo, the other Moiety being the property of Jose Giovanni Zangroni and of Chichiola Francischo, of Bordeaux; and that the said Schooner sails under a Licence from Paulus Roeloff Cantz'Laar, Governor of Curaçao, dated the 6th of October 1824.

That the present voyage of the said Vessel commenced from Bordeaux, whence she was destined to La Guayra. He states "that it was his intention to go to La Guayra; but, when he got to Sea, he altered his mind, and came to the Coast of Africa." He first touched at Teneriffe, to repair some damage the Vessel's masts had sustained; but it must be here remarked, that one of the Mates (George Buglass) positively swears, that it was for the purpose of obtaining "a greater number of men." Thence he proceeded direct to the Coast, anchored first at Popoe, professing it to be his intention to trade in palm-oil, ivory, &c. This the Mate aforesaid directly contradicts, and states it to be his belief "that the object was to procure slaves." Not finding the success or facility he expected at this Place, he proceeded to Dutch Accra, where he says he landed doubloons, to the value of 2000 dollars, to exchange for dollars; that having so landed this sum, he was unable to get the dollars in return, but was forced to take slaves to the number of 32. He acknowledges himself to be the Owner of the Slaves, but that it was not his intention to take them to the West Indies; and that he landed them at Popoe. The aforementioned George Buglass, (and this is corroborated by other evidence), on the contrary, declares, "that the slaves were only landed there (at Little Elmina, near to Popoe,) for security, three hostages having been taken on board for them, who were delivered up when the slaves were demanded, and reshipped by the Captors." The number they, and then, sent on board was 34, being two more than is stated by the Master.

On the 20th of January, a Claim, through a Proctor of the Court, on the part of Claudio Picaluga, was made for the restoration of the said Schooner, her apparel, tackle, and furniture, her cargo, and for the value of 32 slaves, as the sole property of himself, a Naturalized Subject of His Majesty The King of the Netherlands, an Inhabitant of Curaçao, and a Native of Genoa; and of two Naturalized Frenchmen, Natives of Old Spain, residing at Bordeaux, and as protected by the Treaty or Convention between His Britannick Majesty and His Majesty The King of the Netherlands, dated May 4, 1818; and for all costs, losses, charges, damages, demurrage and expences, arising from the capture and detention of the said Vessel and her Cargo.

The 6th of February was fixed upon for the decision of the Court upon this Case; and, having deliberated with His Netherlands Majesty's Judge on all its points, and finding that her Licence, which is exactly in the same form as that of the "Hoop" (granted by W. A. Von Spengler), on which Vessel I had lately the honour to Report, having the same restricting Clause as to trading on the Coast of Africa; and also finding that her Passport and Custom-House Clearance from Bordeaux, her Muster-Roll, which is given under the Seal and Signature of the Dutch Consul, H. N. Houy, resident there; the Manifest of her Cargo, her Bills of Lading, all declaring her destination to be to La Guayra; and finding, that, instead of proceeding to such her Place of destination, she was found on the Coast of Africa, the only Place which her Licence forbade, with no other reason assigned by the Master of the said Vessel for such deviation than, that, on going out to "Sea, he had changed his mind;" and it being further elicited, by the Examinations of the Master and other Persons belonging to the Schooner, that Slaves had actually been on board during this particular voyage:

The Court was unanimously of opinion that the Vessel had evidently been engaged in a Traffick which was illegal, and therefore condemned the said Schooner "Amable Claudina" and her Cargo as lawful Prize to His Majesty's Ship "Atholl," and the respective Governments.

It appearing that the slaves, 34 in number, had been caused to be put on board at Little Elmina, near Popoe, by the instigation and influence of the Captors, a proceeding contrary to the Provisions of the Treaty, and to the Instructions of His Majesty's Government. The Court could not decree their emancipation, but they were delivered over to the charge of the Government of this Colony.

Sierra Leone, March 10, 1826.

(Signed)

JOHN TASKER WILLIAMS.

Second Enclosure in No. 50.

(Translation.)

*The Governor of Elmina to The Netherlands Commissioner.*

SIR,

St. George de la Mina, November 14, 1825.

I TAKE the opportunity at hand to inform you, that on the 11th of this Month, there came to an anchor here under the Netherlands Flag, the Schooner "*L'Amable Claudina*," Claudio Piculga, Master, and finding, on examination, that her Papers were not in good order, and it appearing out of several circumstances, that she was engaged in the illicit Traffick in Slaves, I found myself under the necessity of detaining the Vessel, and to declare her a Prize.

A few hours afterwards an English Man-of-War arrived off here, and being without sufficient means to secure the Prize, I found myself constrained to give her up to the said English Man-of-War, in order to be brought before the Mixed Commission Court at Sierra Leone for trial.

In the mean time I inform you, that I sent one of my Officers, Mr. Vander Breggen Paauw, on board the "*Amable Claudina*" as Prize Master, by whom the said Vessel was given up to the before-mentioned Man-of-War, together with the sum of 18,000*fl.* which were found in the cabin, according to an accepted Receipt.

The just half of this Prize belongs to the Netherlands Government upon the Coast of Guinea; the other half becomes in favour of the English Man-of-War, the "*Atholl*." So I trust to your zeal, that care shall be taken of the half of the money which was found on board the "*Amable Claudina*," and more will probably be found in the said Vessel; also for the amount which the "*Amable Claudina*" and Cargo will produce at the Publick Auction.

And I expect the amount by the first convenient opportunity that will belong to this Government on the Coast.

The Knight of the Order of the Belgic Lion, Major and Commander, A. T. of the Netherlands Possessions on the Coast of Guinea.

(Signed) F. LAST.

P.S.—All the Papers belonging to the Vessel are given into the hands of the English Captain, Murray.

(Signed) F. L.

Mons. E. P. G. Bonnouwrié,

Third Enclosure in No. 50.

(Translation.)

*The Commanding Officer at Elmina to Captain Murray.*

SIR,

Elmina Castle, November 11, 1825.

IN consequence of The Chevalier Last being very ill, the management of the Publick Service having devolved upon me, I have the honour to inform you that a Schooner, under Dutch Colours, came to anchor in these Roads this Morning, and that from her Papers and other circumstances, I have every reason to suspect she is engaged in the Slave-trade.

As it is no less my sincere wish, than it is my duty, to do all I can to put a stop to this detestable Traffick, I take the liberty to acquaint you herewith, hoping you will examine the Vessel. I have detained the Master and some of the Crew on Shore, and shall do my utmost to prevent her escape from here.

I have the honour to be, &c.

The Captain of H. B. M. Ship-of-War,  
Cape Coast Roads.

(Signed)

I. C. VANDER BREGGEN PAAUW,  
Second in Command.

Fourth Enclosure in No. 50.

*Affidavit of Captain Murray.*

PERSONALLY appeared James Arthur Murray, Esq., Captain of His Majesty's Ship "*Atholl*," who, being duly sworn, maketh oath and saith, that the Letter hereunto annexed, dated "*Elmina Castle*, 11th November 1825, signed J. C. Vander Breggen Paauw, Second in Command," and addressed to "To the Captain of H. B. M. Ship-of-War just arrived in Cape Coast Roads," was sent to this Deponent as Captain of the Ship-of-War just arrived in Cape Coast Roads, and is, as this Deponent verily believes, in the hand-writing of the said J. C. Vander Breggen Paauw, Second in Command at Elmina Castle, and is now delivered up by this Deponent without any addition, alteration, or subduction whatever, except the Indorsement of "Letter from Elmina," written on the back.

(Signed)

JAMES A. MURRAY.

Sworn before me, at Free Town, Sierra Leone, this 11th day of January 1826.

(Signed)

WM. SMITH, Registrar.

## Fifth Enclosure in No. 50.

*Affidavit of Lieutenant Caiger.*

APPEARED personally, Herbert Caiger, Esq. First Lieutenant of His Majesty's Ship "Atholl," Captain James Arthur Murray, who, being duly sworn, deposeth and saith, that on the 12th day of November last, being off Elmina Castle, on the Western Coast of Africa, by order of the said Captain James Arthur Murray, he, this Deponent, boarded and took possession of the Netherlands Schooner "Amable Claudina," whereof Claudio Picaluga, was Master, by reason that the said Schooner was employed in the illegal Traffick in Slaves, contrary to the Additional Article of the Treaty entered into between His Britannick Majesty and His Majesty The King of the Netherlands. And this Deponent further saith, that at the time of going on board the said Schooner "Amable Claudina," the said Claudio Picaluga, the Master, was on Shore at Elmina Castle, with a Boat's Crew of 4 men; that the said Schooner was under the command and charge of the Chief Mate; that no Boat whatsoever from the Shore had had any communication with the said Schooner, and that she was not in charge of any Officer or Person sent on board by the Commandant of Elmina Castle. (Signed) H. CAIGER.

Sworn before me, this 3d day of January 1826,  
(Signed) WM. SMITH, Registrar.

## Sixth Enclosure in No. 50.

(Translation.)

*Licence of the "Amable Claudina."*

Most Serene, Most Illustrious, Illustrious, High and Well Born, Well Born, Venerable, Estimable, Sapient, Prudent, Emperors, Kings, Republicks, Princes, Dukes, Counts, Barons, Burgomasters, Aldermen, Councillors, as also Judges, Officers, Justices and Governors of all good Towns and Fortresses, who shall see these Presents, or shall hear them read, Greeting,

WE, Paulus Roeloff, Cantz'Laar, Knight of the Order of the Netherlands Lion, Rear Admiral in the Service of His Majesty The King of the Netherlands, Governor of Curaçoa, and the Dependent Islands Bonaire and Aruba, and Commander-in-Chief of the Land and Sea Forces there stationed, &c. &c. &c. notify: that Claudio Picaluga, is Master of the Schooner, called "Amable Claudina," of 50 tons burthen, belonging to himself, a Subject of His Majesty The King of the Netherlands, and Inhabitant of this Island: and being desirous to give encouragement to the before named Master, we entreat all the above mentioned, and every one of them, to whom the Master alluded to shall come with his Vessel and the goods laden in her, to be pleased to give the before named Master a friendly reception and proper treatment, allowing him in his passage, upon his paying the customary tolls and imposts, to navigate, pass and frequent the Ports and Rivers, with the view of transacting his business, where and when he shall think proper, which favour we are willing to return.

Given under our hand and the Seal of the Government, at Curaçoa, the 6th of October 1824, the 11th Year of His Majesty's Reign.

To be in force for 12 Months for the purpose of Navigating all Seas, except those on the Coast of Guinen. (Signed) CANTZ'LAAR.

By order of His Excellency, (Signed) WM. PRING.

(Indorsed), Seen at Bordeaux, the 16th August 1825,

Consul for the Netherlands (Signed) H. N. HOUY.

Seen the 10th September 1825, Santa Cruz, in the Isle of Teneriffe, by A. BERUFF.  
J. Voss.

## Seventh Enclosure in No. 50.

*Report of the Case of the Netherlands Brig "Charles," Louis L'Oiseau, Master.*

THIS Vessel arrived here on the 21st of January 1826, having 243 slaves on board, 265 having been captured in her, and 22 having died during the passage to Sierra Leone.

The Declaration of the Captor, Lieutenant John Chrystie, commanding His Majesty's Gun-Brig "Conflict," sets forth, that being on the River of Old Calabar, he seized and detained the Brig "Charles," sailing under Dutch Colours, whereof Louis L'Oiseau, was Master, on the 19th day of December 1825, by reason that the said Vessel was employed in the Traffick in Slaves, contrary to the Treaty entered into between His Majesty and His Majesty The King of the Netherlands.

On the 23d day of January, the Papers in this Case were duly filed, together with the Affidavit of Mr. Henry Pryce Derchamps, Admiralty Mate of His Majesty's Brig "Conflict," and Prize-Master of the "Charles," which states, that the Papers, Writings and Documents, marked from No. 16 to No. 20, inclusive (being a set of French Papers for the said Brig under the name of "L'Eugene,") were delivered up to him by the Master of the said Brig; that he examined a Writing-Desk, which he found concealed in the Cabin of the said Brig, and found secreted in a drawer thereof, the Papers, Writings and Documents (No. 1 to No. 15), being the Dutch Papers of

the said Brig under the name of the "Charles," although told by the Master at the time of his delivering up the first Papers, that there were no others on board.

A Monition was prayed for and issued on the 28th January, citing the Parties interested in the Cause to appear.

The French Papers found on board this Vessel, call her "L'Eugene," commanded by Louis Guion, belonging to M. Victor Rancé, of Pointe à Pitre, and are dated at Pointe à Pitre, Guadeloupe, as follow, viz :—

Register .....	27th October 1824.
Passport .....	27th October —
Rôle d'Equipage .....	24th April 1825.
Invoice, signed Victor Rancé .....	25th April —
Custom-House Clearance from Pointe à Pitre .....	26th April —

while the Dutch Papers found concealed on board, declare her to be the "Charles," commanded by Louis L'Oiseau, has her Clearance from Saint Thomas dated 23d April 1825, her Invoice (corresponding in every particular with the one said to be made at Pointe à Pitre, and in the same hand-writing), dated also at Saint Thomas, on the 24th April 1825, signed by T. B. Andrize and Co. for the account and risk of Louis L'Oiseau, and the Muster-Roll Clearance for Rio Janeiro, and Passport, are dated at Saint Eustatius, the 27th April 1825.

It is, therefore, evident that the French Papers must be gross forgeries, it being out of all probability that she could clear out from Pointe à Pitre, on the 26th April, and have her Muster-Roll Clearance for Rio Janeiro and Passport from Saint Eustatius, the next day.

The Second Master, Jean Rouxel, in his examination on the Standing Interrogatories, stated, that she was seized for having slaves and Dutch Papers and Colours on board; that her name is the "Charles," but he believed she had also been called "L'Eugene," as he saw French Papers with that name in them on board of her; that he saw them, for the first time, when she was lying in Calabar River, where also the French Flag was first hoisted, and that the French Flag was flying when she was examined by the Man of War by which she was taken. He further stated, that the present Voyage commenced at St. Thomas, but he did not know where it was to have ended. St. Eustatius he declared to be the last clearing Port the Brig sailed from, previous to capture, and that she went there to procure Netherlands Papers; from which Port she went direct to Calabar to procure her Cargo of Slaves, 267 of whom were on board when the Brig was taken, and he believed the Master (Louis L'Oiseau) to have been the sole Owner of the Brig and Slaves at the time they were seized.

Thomas Ganse, Seaman on board, deposed, on the same Interrogatories, "that the Brig was seized for having Slaves and French Papers and Colours, and Dutch Papers and Colours on board, but that she sailed under Dutch Colours, and he only knew the Brig by the name of "L'Eugene;" that the present Voyage began at St. Thomas, but he did not know where it was to have ended; St. Eustatius was the last clearing Port she sailed from previous to capture, where the Dutch Papers were procured; and that she went to Calabar River to trade for slaves, but he could not tell the number that were taken on board;" he further declared his belief, "that the Master was the sole Owner of the Brig and Slaves at the time they were seized."

It appeared by the evidence of Lindor, a Cabin-Boy, "that this is the second Voyage in which the Brig has been employed in carrying on an illicit Traffick in Slaves, the first Cargo having been safely delivered at Surinam, that the present Voyage commenced at St. Thomas, and was to have ended there, after delivering the present Cargo, at Surinam."

The Declarations of Jean Rouxel, Thomas Ganse, and Lindor, the production of the fraudulent, if not felonious, French Papers, the concealment of the Dutch Papers, added to the fact of the slaves having been found on board; all these circumstances combined, made this Case so very clear, that the Court had no difficulty in condemning her as a lawful Prize, taken by His Majesty's Brig "Conflict," Lieutenant John Chrystie, Commander, and pronounced 265 slaves to have been on board at the time of capture, 22 of whom had died before Adjudication, and the remainder, in number 243, were emancipated.

Sierra Leone, March 20, 1826.

(Signed) JOHN TASKER WILLIAMS.

#### Eighth Enclosure in No. 50.

##### *Captain Louis L'Oiseau, Brig "Charles."*

April 27, 1825.—Renewing Register and Muster Roll, and amount paid for obtaining Security for 2000 Spanish dollars ..... 600 Sp. dolls.

Rd. Payment,  
T. G. GROEBE.

#### No. 51.

*George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2, 1826.)*

SIR,

*Sierra Leone, August 20, 1825.*

I HAVE the honour to acquaint you, that *E. P. G. Bonnouvrié*, Esq. His Netherlands Majesty's Commissary Judge, arrived in this Colony on the

Y

15th instant, and that this Gentleman has entered upon the duties of his Office in the British and Netherlands Mixed Court of Justice.

I have the honour to be, &c.

(Signed)

GEO. RENDALL.

*The Right Hon. George Canning,*  
&c. &c. &c.

No. 52.

*George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2, 1826.)*

SIR,

*Sierra Leone, November 21, 1825.*

I HAVE the honour to enclose, for your information, a Report of the Case of the Netherlands Schooner "*Bey*," William Woodside, Master, brought in here on the 23d of May last for Adjudication, having been detained on the 19th of the same Month off the River Gallinas, by His Majesty's Ship "*Maidstone*," Commodore Bullen, on suspicion of being engaged in the illicit Slave-trade, and falling under the several designations of the Additional Article to the Treaty signed at Brussels on the 25th of January 1823.

The Court were of opinion that sufficient proof of the illegal engagement in the Slave-trade had been afforded, and therefore passed Sentence of Condemnation on the Vessel and Cargo on the 29th day of June.

I cannot allow this Case to pass without noticing to you, Sir, what appeared evident, from the various proofs which were afforded, that the Netherlands Flag and Papers had in this instance been obtained for the purpose of fraudulently covering other property. The Vessel was American built, and, by the names of the Master and Crew on the Muster-Roll, it would appear they were Americans, or Englishmen.

The Second Mate, an American, was perfectly ignorant of the Dutch language, and stated that he did not know to what Countries the Crew respectively belonged. He appeared much astonished when he was informed that the Ship's Passport contained a Clause which forbade trading on the Coast of Guinea.

I have the honour to be, &c.

(Signed)

GEO. RENDALL.

*The Right Hon. George Canning,*  
&c. &c. &c.

*Enclosure in No. 52.*

*Report of the Case of the Netherlands Schooner "Bey," William Woodside, Master.*

THIS Vessel arrived in the Harbour of Sierra Leone on the 23d of May last, but owing to the changes in the Commissions at that period, the Proceedings were not regularly commenced until the 13th of June, upon which day the Ship's Papers were brought into the Registry, and duly attested by George A. Nixon, Master's Mate of His Majesty's Ship "*Maidstone*."

The usual Monition was issued on the 14th, calling upon all Persons having, or pretending to have, any right, title, or interest in the Schooner "*Bey*," to appear and make claim, which was returned on the 22d of June as duly served.

Commodore Bullen's Declaration states, that this Vessel was detained off the River Gallinas on the 19th of May 1825, being under Dutch Colours, armed with 1 gun, 12-pounder, William Woodside, Master, who being absent on Shore, William Wolper, the Commanding Officer declared her to be bound from St Eustatius to the Gallinas with a Crew of 11 men, having no slaves on board, but falling under several designations of the Additional Article signed at Brussels, on the 25th of January 1823.

The Papers of the Vessel consist of a Roll of the Crew, a Bill of Sale, a Licence to carry Arms, and another to Navigate the Vessel for 12 Months, to any Port or Place except upon the Coast of Guinea, and are all dated in the Month of October 1824, at St. Eustatius.

The Depositions of all the Witnesses examined, viz.: the Second Mate, one Seaman and the Steward, shew that this Vessel was fitted at St. Eustatius, from whence she sailed to the Coast of

Africa direct, where she touched at Garraway, Grand Sestos, Cape Mount, Manna and Gallinas, to trade, that she was seized at anchor 5 miles off Gallinas, had one Passenger taken on board at Manna, Johannes Dahl, a Danish Mariner, that the Master, who is a Naturalized Dutchman, was the Owner; Vessel's Clearance and Log Book burnt at Manna by accident; has 30 bags of rice taken on board on the Coast; the Seaman states that part was taken on board at St. Eustatius; has 34 water-casks, some filled at St. Eustatius, others on the Coast; plank cut to fit the masts and pumps; Cargo sold to different Persons on the Coast. The return Cargo was to have been palm oil and camwood; it was not to have been slaves, to their knowledge. The Second Mate and Steward state, that Black Men were carried as passengers from one part of the Coast to another, which the Seaman denies.

The Deposition of Johannes Dahl shews, that he embarked as a passenger on board this Vessel at Manna, 2 months and a half previous to his Examination; is certain that 60 or 70 bags of rice, each weighing about 150lbs. were landed at Manna and Gallinas; thinks there were more coppers with steamers that would cook for 100 Negroes or Slaves; Vessel has carried Black Passengers, cannot swear they were free or Slaves.

A Commission of Survey was prayed on the part of the Captors, and granted on the 21st of June. The Report of the Commissioners was filed on the 27th, the substance being as follows: that the Schooner "Bey" is 60 tons admeasurement; length on deck 60 feet 2 inches; extreme breadth 18 feet 2 inches; one suit of sails complete; no goods, wares, or merchandize on board; armed with 1 long traversing 12-pounder gun in complete order; 2 brace of pistols, 6 cutlasses and 2 muskets; 1 quarter barrel powder, 40 cases of canister shot, 45 round shot and a small quantity of langridge; 30 hogsheads of water stowed in the hold, containing about 2,000 gallons; 3 empty pancheons and 2 barrels on deck, capable of containing about 400 gallons more. The casks in the hold are stowed so as to form nearly a platform of themselves.

In the after part of the hold a platform, 6 feet by 10 feet 2 inches, was laid. Spare beams and planks fitted to the hold, by which they extended the platform 16 feet 5 inches in length, with the whole breadth of the hold; there were not boards enough to form a complete platform, but they found some pieces cut to fit the fore part of the Vessel, and when cut to fit the foremast. The height between the shifting platform and the deck was 3 feet 1 inch; found on board 11 buckets and 4 mess-kids; boilers divided into 4 parts, and with 2 steamers, capable of holding 31½ gallons; an oven for baking with range in front; found 37 bags of Carolina rice, containing 82 cwt.

From the Evidence, the Ship's Papers, and the Report of the Commissioners of Survey, the Court were of opinion that this Vessel was, at the time of her detention, within the limits specified in the Additional Article to the Treaty, concluded at the Hague the 4th day of May 1818, between His Majesty and The King of the Netherlands, signed at Brussels, the 25th of January 1823, and that in her outfit and equipment she fell within the 3d, 5th, 6th, 8th and 9th Designations therein mentioned. In addition to this *prima facie* Evidence of the Vessel's employment in the Slave-trade, the Court duly considered the other suspicious circumstances under which she was found, viz: being at anchor off one of the most notorious Slave Factories on the Coast of Africa, when the Licence of Navigation expressly forbade any approach to the Coast of Guinea; landing large quantities of rice at Manna and Gallinas, part of which had been brought from St. Eustatius, and part bought on the Coast; filling the casks with water on the Coast, although the Second Mate declared that palm oil was to have been part of return Cargo; having no Log Book kept either by the Master or two Mates; and further, that no satisfactory Evidence was offered on the part of the Owner or Master that this Vessel was otherwise legally employed at the time of detention.

The Court, therefore, passed Sentence of Condemnation of the Vessel and Cargo, on the 29th day of June 1825.

(Signed) GEO. RENDALL.

### No. 53.

*George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2.)*

SIR,

*Sierra Leone, November 21, 1825.*

I HAVE the honour to enclose, for your information, the Report of the Case of the Netherlands Brig "Z," Denis K. Derne, Master, brought in here for Adjudication on the 17th of August last, having been detained on the 31st of July previous, by His Majesty's Ship "Maidstone," Commodore Bullen, off the River Sombrero, or Andony, not having any Slaves on board, but being fitted and equipped for the Slave-trade.

The proof in this Case being fully established, the British and Netherlands Commissary Judges passed Sentence of Condemnation of the Vessel, on the 9th of September 1825.

I beg leave to remark, that I conceive this Case bears great similarity to that of the "Bey," and is more fully developed by the discovery of Slave Irons and Coppers. The Master was Naturalized at Saint Eustatius, in April last, and in the Month of July he arrived on this Coast with a full Cargo under Dutch Colours. It is evident that French property is co-



vered in this Case, and shews with what facility false Papers can be procured at the Island of Saint Eustatius.

I propose forwarding with the General Report of the State of the Slave-trade, Translations of the Private Letters and Papers found on board this Vessel, as I hope they will prove the means of throwing some light on these nefarious transactions.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
 &c.                      &c.                      &c.

(Signed) GEO. RENDALL.

Enclosure in No. 53.

*Report of the Case of the Netherlands Brig "Z." Denis K. Derne, Master.*

THIS Vessel arrived at Sierra Leone the 17th day of August last, and the Ship's Papers duly authenticated, with Commodore Bullen's Declaration, were brought into Court the same day. A Monition was issued on the 20th of August, calling upon all Persons having, or pretending to have, any Claim in the Brig "Z." to appear and establish the same; this was returned as duly served on the 29th.

The Declaration of Commodore Bullen states, that on the 31st of July 1825, off the River Sombrero or Andony, he detained the Brig "Z." sailing under Dutch Colours, armed with 2 long six-pounder guns, 4 eighteen-pounder carronades, 2 swivels, 18 muskets, and 12 swords, commanded by Denis Kerne Derne, who declared her to be bound from St. Thomas to the River Andony, belonging to Saint Eustatius, with a Crew of 28 men and boys, not having on board slaves, but falling under the several designations of the Additional Article signed at Brussels the 25th of January 1823.

The Papers of the Vessel consist of a License of Navigation for 12 Months, to any Place except upon the Coast of Guinea, and a Passport given by the Governor of the Island of Saint Eustatius, in April 1825. A Muster-roll, List of Cargo, and Clearance, dated at Saint Thomas the 25th of May 1825. There are also numerous French Letters, Private Papers, &c.

The Master's Deposition states, that he was born at Brest, but naturalized at Saint Eustatius in April last. Took possession of the Vessel about 18 or 20 months since at Martinique; she was built at Nantes, has a large interest in the Vessel and Cargo; she was seized upon pretence of being engaged in the Slave-trade; sailed under Dutch Colours; had a French Flag on board, it was on board because she sailed under the French Flag formerly; has been called the "Z." since April last, was formerly the "Pauline and Amanda." The Voyage began at Saint Thomas and was to have ended there; was captured in 3. 30. North, and 6. East; bought the Vessel at Martinique from the French Government at Publick Auction; paid 6000 dollars for her; Vessel and Cargo were both insured for this Voyage in Paris, at a premium of 2½ per Cent.

The Depositions of the Surgeon, Boatswain and Cabin-cook, are alike in substance with that of the Master.

Three Affidavits, made by Edward Franklin, Lieutenant of His Majesty's Ship "Maidstone" and Prize-Master of the Brig "Z." were filed in this Case; the first on the 6th September 1825, stating that on the 26th of August Deponent found 86 slave-irons on board the Brig "Z," which had been concealed below; the second states, that, on the 7th of September, the same Deponent found 76 slave-irons, in addition to the 86 before mentioned, and that they were concealed under the powder in the hold; the third Affidavit states, that, on the 10th of September, Mr. Franklin discovered, in the after-part of the Brig "Z," a set of coppers capable of containing from 90 to 100 gallons.

A Commission of Inspection and Survey was prayed and issued on the 6th of September, and returned as duly performed on the 8th. The Commissioners report that the hatches of the Brig "Z" are fitted with open gratings, that she has spare plank more than sufficient to form a second or moveable deck, beams fitted with rabbits and grooves for receiving the same; that they found 40 pair of shackles, as well as a considerable number of iron bolts; from 10 to 15 tons of water in casks, butts, puncheons, and hogsheds, 51 mess kids, from 2 to 3 gallons each; 16 buckets of 2 gallons each; 6 poopoo tubs; boilers unreasonably large for the tonnage of the Vessel; from 30 to 40 bags of rice, as nearly as they could ascertain, mixed with calavances in bulk; also some casks of calavances; 4 twelve-pound carronades, 2 long nine-pounders, sundry small arms and cutlasses, with a considerable quantity of powder and shot of all descriptions.

The Court were of opinion that this Vessel was, at the time of capture, within the specified limits, and that in her equipment and outfit, she fell within 8 of the Designations named in the Additional Article to the Treaty, signed at Brussels on the 25th of January 1823, viz:—the 1st, 3d, 4th, 5th, 6th, 7th, 8th, and 9th: and as no evidence was offered on the part of the Master and Owner that the Vessel was legally employed at the time of her detention, the Court passed Sentence of Condemnation on the Vessel and Cargo, on the 9th day of September 1825.

(Signed) GEO. RENDALL.

## No. 54.

*George Rendall, Esq. to Mr. Secretary Canning.—(Received June 2, 1826.)*

SIR,

Sierra Leone, November 25, 1825.

I HAVE the honour to enclose, herewith, a Report of the Case of the Netherlands Schooner "*La Venus*," André Desbarbes, Master, detained on the 1st of September off Cape Formosa, by His Majesty's Ship "*Atholl*," Captain James Arthur Murray, having no slaves on board, but falling under the several designations contained in the Additional Article to the Treaty signed at Brussels the 25th of January 1823, and sent in here for Adjudication on the 23d of September 1825.

The proof of this Vessel's engagement in the illegal Traffick of Slaves being clearly established, the British and Netherlands Judges condemned the Vessel and Cargo on the 1st of November 1825.

I feel it my duty to observe, that this is another Case wherewith I conceive the Netherlands Flag has been made a cover for French property, a practice which I expect will be found to have been of long and frequent occurrence, although it has escaped the vigilant notice of our Cruizers until lately.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) GEO. RENDALL.  
&c. &c. &c.

Enclosure in No. 54.

*Report of the Case of the Netherlands Schooner "La Venus," Andre Desbarbes, Master.*

THIS Vessel was brought into this Port on the 23d of September 1825. but owing to the absence of the Agent and Proctor for Captors, the Papers were not produced in Court until the 12th of October, upon which day Mr. Hodder, Admiralty Mate, delivered them, duly attested, together with the Declaration of the Captor, into the hands of the Registrar, by whom they were duly filed. A Monition was issued, citing all persons having any right or interest in the Schooner "*La Venus*" and Cargo, to appear and make claim; this was returned certified as having been duly served.

The Declaration of the Captor, Captain James Arthur Murray, commanding His Majesty's Ship "*Atholl*," states, "that on the 1st day of September last, being in Latitude 4. 12. North, and Longitude 5. 33. East, he detained the Schooner "*La Venus*" sailing under Dutch Colours, armed with 4 six-pounder guns, commanded by André Desbarbes, who declared her to be bound from St. Thomas, West Indies, to the Coast, with a Crew consisting of 27 men."

The Third Mate, in answer to the standing Interrogatories, states, "that the Master's name is Desbarbes, that M. Saubot appointed him to the Command at St. Thomas in June last; does not know upon what pretence the Vessel was seized; sailed under Dutch Colours, had a French Flag on board; does not know for what reason Voyage began at St. Thomas, does not know where it was to have ended; touched at no Places during the Voyage; Vessel was seized off Cape Formosa on the 1st of September, was steering for Princes Island, hauled close on a wind, because they were afraid Capturing Ship was a Pirate." In answer to special Interrogatories put by order of the Court, states, "the hatches of "*La Venus*" to be close, like common Merchant Vessels, has two bulk-heads, one to part off the cabin and the other the fore-castle from the hold; some plank on board, cannot say what quantity, or for what purpose it was to be applied; does not know if there are any shackles, bolts, hand-cuffs, or shackle-rivets on board; has a tier of water-casks, cannot state the number or quantity; does not know if there is a Custom-House Clearance for the same; there are mess-tubs and kids on board; does not know the number; does not know if any large coppers or boilers are on board, nor if any means of making more than one cooking place; has seen only two or three casks of rice, there may be more; some flour, does not know what quantity; cannot say whether the return Cargo was to have been slaves or not; cannot say for what purpose the articles he has stated to be on board were intended; does not know what Cargo "*La Venus*" carried off the last Voyage." Carl F. Schmeidecke, a Mariner, in his Answers to the standing Interrogatories, gives the exact substance of the Third Mate's Evidence, but differs in some of his Answers to the special Interrogatories as "that he has seen 6 or 8 planks marked; a dozen shackles on board; that there are a great many water-casks all full; has seen about 20 mess-kids, and four large tubs with covers; there is a great quantity of rice; believes from what he saw on board that the return Cargo was to have been slaves; believes the articles he has stated to be on board must have been intended for the use of slaves; heard from the people that the last Cargo was slaves; a Commission of

Z

Survey was issued on the 17th of October, and the Report of the Commissioners filed on the 21st; they state that the main hatch of "La Venus" is open with loose iron bars to fix on the same; that there is on board a quantity of plank, numbered, cut, and fitted to form a moveable deck; that they found 131 pair of shackles or irons, with about 500 forelocks and 19 padlocks, evidently intended for slave chains; complete tier of water-casks, fore and aft, all nearly filled; they found 46 mess-kids, 14 buckets, 2 large mess-tubs, 6 poopoo-tubs, and large quantity of wooden-spoons; one large copper-boiler of 120 gallons, in addition to the usual cooking apparatus of the Crew; also 2 tons of rice and a small quantity of calavances." They state that the Vessel has the appearance of being fitted out for the Slave-trade.

The Court came to the conclusion, that the Schooner "La Venus" was at the time of her detention by His Majesty's Ship "Atholl," Captain James Arthur Murray, within the limits specified in the Additional Article to the Treaty, signed at Brussels the 25th of January 1823, and that in her outfit and equipment she came under the 3d, 4th, 5th, 6th, 7th, 8th, and 9th designations therein contained, and as no exculpatory evidence was offered on behalf of the Owner or Master, the Court passed Sentence of Condemnation on the said Schooner "La Venus" and her Cargo, upon the 1st day of November 1825. (Signed) GEO. RENDALL.

## No. 55.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, July 8, 1826.

I SEND to you, for the information of yourselves, and of the other Gentlemen composing the Board of Commission whereof you are Members, the accompanying Copy of a Note, which I have received from His Netherland Majesty's Chargé d'Affaires at this Court; by which it appears, that the Netherlands Brig-of-War "*Panther*," destined for the West Indies, will be furnished with a Copy of the Treaty of the 4th May 1818, and of the Documents annexed thereto, for the suppression of the Traffick in Slaves.

I am, &amp;c.

His Majesty's Commissioners.

(Signed)

GEORGE CANNING.

## Enclosure in No. 55.

*M. Dedel to Mr. Secretary Canning.*

Bryanston-Square, le 4 Juillet 1826.

LE Soussigné, Ministre Plénipotentiaire de S. M. Le Roi des Pays Bas, a l'honneur de s'acquiescer des Ordres qu'il vient de recevoir de sa Cour, en portant à la connaissance de Son Excellence Mr. Canning, Premier Secrétaire d'Etat pour les Affaires Etrangères, que le Brick des Pays Bas "*de Panther*," de 106 hommes d'équipage et de 18 pièces de canon, commandé par le Capitaine-Lieutenant Buys, et qui avait ordre de partir le 1er Juillet pour les Indes Occidentales, sera pourvu d'un exemplaire du Traité du 4 Mai 1818, et de tous les autres Documents, qui sont relatifs à la répression du Commerce des Esclaves.

Le Soussigné, &amp;c.

A Son Excellence M. Canning,  
&c. &c. &c.

W. G. DEDEL.

(Translation.)

Bryanston-Square, July 4, 1826.

THE Undersigned, Minister Plenipotentiary of His Majesty The King of the Netherlands, has the honour, in compliance with the Orders which he has received from his Court, to inform His Excellency Mr. Canning, Principal Secretary of State for Foreign Affairs, that the Netherlands Brig "*de Panther*," with a crew of 106 men, and 18 pieces of cannon, commanded by Captain-Lieutenant Buys, ordered to sail on the 1st July for the West Indies, will be furnished with a Copy of the Treaty of the 4th May 1818, and of all the other Documents relative to the suppression of the Slave-trade.

The Undersigned, &amp;c.

His Excellency Mr. Canning,  
&c. &c. &c.

(Signed) W. G. DEDEL.

No. 56.

*J. T. Williams, Esq. to Mr. Secretary Canning.—(Received July 12.)*

SIR,

*Sierra Leone, April 4, 1826.*

I HAVE the honour to forward, herewith, a Report of the Case of the Schooner "*Vogel*," Jean Blais, Master, tried and condemned in the British and Netherlands Court of Justice, as Prize to His Majesty's Ship "*Brazen*," Captain G. W. Willes, on the 31st of last Month.

The fact of the abuse of the Flag of His Majesty The King of Holland, to cover the illicit practices of the Slave Dealers of other Nations, is so notoriously evident in this Case, that I have considered it to be my duty to forward, with the Report on it, a greater number of Documents than I should think it proper to trouble you with in ordinary Cases; it having occurred to me, that they may be useful, should you be pleased to consider it expedient, to communicate with the Government of His Majesty The King of the Netherlands on the subject of the Proceedings of the Colonial Authorities at St. Eustatius; for certainly the manner in which these Licences have been granted, as it would appear to every Applicant, evinces but little care for the respect and dignity of their National Flag.

The facility with which business of this description is effected at St. Eustatius, will appear by the following brief Statement:

Jean Blais was at the Island of St. Thomas on the 22d July 1825, where he appears to have made his arrangements, and to have proceeded immediately to St. Eustatius; for, in a few days after, we find him a Naturalized Subject of The King of Holland, as appears by his Certificate of Naturalization, dated 28th July 1825.

On the 4th of August he purchases the American Schooner "*Gallant*," (a matter which it is to be presumed, had been previously arranged at St. Thomas) for 2,250 pieces of eight, and changes her name to that of the "*Vogel*." Under the latter name a Licence is granted to her on the following day, to sail under the Netherlands Flag.

These Documents are all authenticated and signed by the Governor, "W. A. Van Spengler."

On the same day (5th August) she clears out, in ballast, to return back to St. Thomas.

On the 17th September she clears out at the Custom-House, at St. Thomas, for Princes Island, on the Coast of Africa.

Among the French Papers is an *Acte de Francisation*, dated Pointe à Pitre, Guadaloupe, 18th October 1823, for the Schooner "*L'Oiseau*," belonging to Monsieur Lafosse of that Place. The "*Vogel*" has the same signification, but could not be the same Vessel, the former being stated to be upwards of 80 tons, the latter only about 52.

Notwithstanding this her Role d'Equipage is dated at Pointe à Pitre, as well also as an Invoice of Goods shipped on board "*L'Oiseau*" (signed J. Lafosse, consigning the same, amounting to 8567 dollars, to Jean Blais) on the 17th September 1825; and her Custom-House Clearance from Guadaloupe to Princes Island, is dated the following day (18th September).

These Papers, I should conclude, must either be spurious, or they must be improperly obtained. The Role d'Equipage is dated the same day as the Clearance from St. Thomas (the 17th), and it would be indeed out of the scope of possibility, that these two matters should have been transacted, in the two Islands, on the same day; and equally improbable that the Vessel could reach Guadaloupe, so as to clear out from Pointe à Pitre on the 18th.

I have reason to believe, from every thing I can learn, that in the system now followed in this branch of the Slave-trade, there is a combination of the interests of Parties, some of which are resident at Guadaloupe, Martinique,

St. Thomas, and St. Eustatius. At the first Place is J. Lafosse, at the second a Monsieur Jean Delluc, and at St. Thomas Messrs. Ogereau et Dubois; and that there must be some Dutch Subjects concerned, at least in some instances, will I think scarcely admit of doubt; for in one of the Letters found on board the "Vogel," dated at Tradetown, I find the following expression: "J'irai donc à Surinam; veuillez y preparer vos ordres," [I will go then to Surinam; be so good as to prepare your Orders there.]

There is one Document, Copy of which I send *verbatim*. It is a Note addressed by Jean Blais to Joseph Tricon, the First Mate, and which proves distinctly the pursuit in which he was engaged. The articles which he directs to be sent on Shore, as the return to the King of the Place, for *une génisse*, (an heifer) are goods paid for the price of a Slave; what the exact nominal value would be at Cape Mount I have had no means of learning, but I have ascertained that, according to the prices of Merchandize in this Colony, the amount would be from 8 to 10 pounds.

I have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.

*The Right Hon. George Canning,*

&c. &c. &c.

#### First Enclosure in No. 56.

#### *Report in the Case of the "Vogel," Jean Blais, Master, sailing under Dutch Colours.*

THE Schooner "Vogel," was detained off Grand Currow, on the Windward Coast, on the 22d day of January last, by Lieutenant Baldwin Wake Walker, in command of a Boat belonging to His Majesty's Ship "Brazen," G. W. Willes, Esq. Commander.

The Declaration of Captain Willes, sets forth, that in addition to the Dutch Papers found on board the "Vogel" the Master had on his person a set of French Papers calling her "L'Oiseau;" that the said Schooner was fitted for a Slaving Voyage, inasmuch as she had a large number of water casks stowed in her hold, and a greater quantity of rice than necessary for a Trading Vessel's Crew; it appearing that 3600lbs. had been put on board when she commenced her Voyage.

The Papers in this Case, consisting of French Papers from Guadaloupe, and Dutch Papers from Saint Eustatius, (a Schedule of the most important of which accompanies this,) were duly filed on the 18th of March, together with the requisite Affidavits.

A Monition was prayed for on the 20th, which was regularly served and returned on the 29th.

Joseph Tricon, the First Mate, who was in Command of the Vessel, when she was detained, deposeth, in his Examination on the Interrogatories, that the Master, Jean Blais, took possession of the Schooner at Saint Eustatius; that she has been called the "Vogel," about 7 Months, previous to which she was called the "Gallant," and sailed under American Colours; that the Crew were all hired and shipped at St. Thomas, by the Master, to come to the Coast of Africa for a Cargo of Slaves; he further deposeth, that the Voyage began at St. Thomas, and was to have ended at Surinam, where the Cargo of Slaves were to have been landed, but he knew not to whom consigned; that the Schooner sailed direct from Saint Thomas to the Coast of Africa, and anchored at Cape Mount to trade for Slaves; at this place the Master, Jean Blais, landed the principal part of the Cargo of Merchandize, and remained on Shore, sending him, the Depo-  
nent, in command of the Schooner to Grand Currow, to purchase palm-oil and rice, while he, the Master, continued at Cape Mount to purchase slaves; he also states his belief, that the palm-oil and rice he was ordered to purchase, were for the purpose of feeding the slaves.

This man further deposeth, that there were 2 sets of Papers on board, one Dutch and the other French, that the Master gave him the French Papers when at Cape Mount, and instructed him to shew them in the event of his being boarded by an English Man-of-War, and the Dutch Papers should be met a French Vessel of War; he also told him to call the Crew aft, and give them directions to support him in this Declaration; that when the Schooner was taken he had the Dutch Papers in his pocket, and the French Papers were in his birth.

The foregoing Evidence was confirmed in all its material points, by the Deposition of Henry Williams, a Native of Riga, and a Seaman on board the said Schooner, who stated he knew her before she was called the "Vogel," and that she was, previous to this, named the "Gallant of Baltimore."

The Ship's Papers, and other Documents and Letters found on board this Vessel, manifested evidently the clandestine views of the Parties concerned in the Voyage: she was, when detained, within the limits prescribed in the Treaty between His Majesty and His Majesty The King of the Netherlands, signed at Brussels, the 25th January 1823. The Master, Jean Blais, the better to carry his illegal purpose into effect, had located himself at one of the principal and most noto-

rious Slave Factories on the Windward Coast; at this Place he landed nearly the whole of his Cargo, without shipping a single article of produce in return.

In the Declaration of Joseph Tricon, the First Mate, he hesitated not in acknowledging the object of the Master of the "Vogel" to have been the Traffick in Slaves, and he also declared his belief, that the palm-oil and rice, which he was employed to purchase, were for the purpose of feeding the slaves. Amongst the Papers are 2 Invoices; in C. No. 3. the 3d Entry is 3600lbs. of rice, whilst in No. 4. falsified by the Master, the rice is omitted, together with its value, 180 dollars, and yet the total amounts are made to correspond; in addition to this quantity, there was also found, amongst the Ship's Papers, a Receipt for 360 dollars, given for 5 tons of rice, (sold for Cash, and not a transaction in Barter,) to Captain Blais, off Cape Mount, by John Smith, Master of the "James Dunsmure," supposed to be a Liverpool trader.

The nature of the private Letters found on board, which, though so written as evidently to attempt to disguise and mislead, is, in several instances, so clear, as to shew the intent of the Parties. In the Letter of Instructions, from Blais to Tricon, he writes, "I have learnt, from good authority, that, if met on the Coast of Africa by the English Cruizers, the Netherlands Flag will not excuse us. I therefore direct you to be very careful, when any Ship appears that you may suspect, to run from her if it be possible."

In fine, the manner of her equipment and outfit, the circumstance of her being found on the Coast of Africa, in direct contradiction to the preventive Clause, in the Licence granted to navigate under the Dutch Flag, from the Colonial Authorities at Saint Eustatius, and every circumstance connected with the Case, leading to the decided conclusion, that the object in view was the illicit Traffick in Slaves.

The British and Netherlands Judges, perfectly coinciding in opinion, (and no claim or explanation being made or offered by any Person on account of the Parties interested), without hesitation condemned the said Schooner "Vogel," taken by His Majesty's Ship "Brazen," Captain G. W. Willes, as lawful Prize to their respective Governments.

Sentence of Condemnation was accordingly passed against her in the British and Netherlands Court of Justice on the 31st day of March 1826.

Sierra Leone, April 4, 1826.

(Signed)

JOHN TASKER WILLIAMS.

## Second Enclosure in No. 56.

### *Schedule of Papers found on board the Schooner "Vogel."*

#### DUTCH PAPERS.

- (A 1.)—CERTIFICATE of Naturalization of Jean Blais, dated St. Eustatius, 28th July 1825, signed by the Governor of that Island, W. A. Van Spengler.
- (A 2.)—A Bill of Sale from Frederick A. Reynolds, Owner of the American Schooner "Gallant," to Jean Blais, of St. Eustatius, 2,250 pieces of eight, dated 4th of August 1825, signed W. A. Van Spengler.
- (A 3.)—Licence to Jean Blais to navigate the Schooner "Vogel" under the Netherlands Flag, with Petition to carry guns; and Licence granted, stating that security had been given for 5,000 guilders, that he should not be employed in the Slave-trade, dated 5th August 1825, signed W. A. Van Spengler.
- (A 4.)—Muster Roll, dated 5th August 1825, signed W. A. Van Spengler.
- (A 5.)—Custom Clearance for the "Vogel" in Ballast from St. Eustatius to St. Thomas, same date.

#### DANISH PAPERS.

- (B.)—Clearance from Custom House at St. Thomas for Princes Island, on the Coast of Africa, dated 17th September 1825.

#### FRENCH PAPERS.

- (C 1.)—Acte de Francisation, dated Pointe à Pitre, Guadeloupe, 18th October 1823, for the Schooner "L'Oiseau," belonging to Monsieur J. La Fosse, of that Place.
- (C 2.)—Role d'Equipage, dated at Pointe à Pitre, Guadeloupe, 17th September 1825.
- (C 3.)—Invoice of Cargo shipped on board "L'Oiseau," consigned to the Master, dated at Pointe à Pitre, 17th September 1825, and signed J. Lafosse—amount 8,567 dollars.
- (C 4.)—An Invoice, similar to No. 3, with the exception of the third Entry, viz:—6 tierces of rice, 3600lbs. 180dol., which is partially erased, and St. Thomas introduced instead of Pointe à Pitre, and it is signed by J. Blais, instead of J. Lafosse, the date is the same.
- (C 5.)—Custom House Clearance from Guadeloupe, dated 18th September 1825, for the Island of Princes, on the Coast of Africa.
- (C 6.)—Copy of a Letter from Jean Blais, at Cape Mount, to Joseph Tricon; no date.

Enclosure (A 1.) in No. 56.

(Translation)

### *Certificate of Naturalization of Jean Blais.*

WE, William Augustus Van Spengler, Colonel and Sea-Captain in the Service of His Majesty the King of the Netherlands, Governor of The Islands of St. Eustatius, St. Martin, and Saba, Commander-in-Chief of the Land and Sea Forces in this Island, &c. &c. &c., authenticate

and certify, by these presents, to every one whom it may concern, that Jean Blais, a Native of Bordeaux, in France, has this day taken, in our hand, the proper Oath of Allegiance to His Majesty; wherefore we entreat every one who may be shewn these presents, to consider the before mentioned Jean Blais, as a Subject of His Majesty, and to let him enjoy the right and the privileges belonging to him on that account. In faith of which these presents have been signed by us the Governor and Secretary of this Island, and confirmed by means of the seal of this Colony.

St. Eustatius, the 28th July 1825, the 12th Year of His Majesty's Reign.

(Signed)

W. A. V. SPENGLER,

By His Order, (Signed) T. G. GROEBE, Sec.

Enclosure (A 2.) in No. 56.

(Translation.)

*Bill of Sale of the Schooner "Gallant."*

WE, William Augustus Van Spengler, Colonel and Sea Captain in the Service of His Majesty The King of the Netherlands, Governor of the Islands of St. Eustatius, St. Martin and Saba, Commander-in-Chief of His Majesty's Land and Sea Forces in those Islands, &c. &c. &c.

Notify and acknowledge the personal appearance before us of Mr. Frederick A. Reynolds, Owner of the American Schooner the "Gallant," now lying in this Roadstead, who declared to have privately sold, and in virtue of these presents, transfers to, and in favour of, Mr. Jean Blais, Citizen of this Island, the above Schooner, "Gallant," with her masts, sails, rigging, anchors, cables, and other appurtenances, and to have done so in consideration of 2,250 pieces of eight, which he, Deponent, acknowledges to have already received without the deduction of a farthing, promising to guaranty the Schooner "Gallant," with her appurtenances, to the purchaser, the above-mentioned Jean Blais, against all claims and demands, either implied or expressed.

In attestation of which, these presents have been signed by us the Governor and Secretary of this Island, and also by the Deponent, and confirmed with the Seal of this Colony at St. Eustatius, the 4th of August 1825.

(Signed)

W. A. VAN SPENGLER,

(Signed) FREDERICK A. REYNOLDS.

T. G. GROEBE, Secretary.

Enclosure (A 3.) in No. 56.

(Translation.)

*Petition of Jean Blais to carry Guns on board the "Vogel," and Licence to Navigate.*

To His Excellency Mr. W. A. Van Spengler, Governor of the Islands of St. Eustatius, St. Martin, and Saba, Commander-in-Chief of His Majesty's Land and Sea Forces in the same, &c.

Jean Blais, a Citizen of this Island, submits, with the highest respect,

THAT Memorialist has this day purchased in this Town a Schooner called "De Vogel," (proved by the deed of sale certified by the Colonial Secretary), which, agreeably to the Right of Citizenship, which he has procured, he is desirous to place under the protection of the Netherlands Flag, and to obtain from your Excellency the requisite Sea-papers, in order thereby to advance the interests of his commercial pursuits.

That the Pirates, who are cruising everywhere, make it incumbent on all Commanders of Ships to provide themselves with arms, to be able in case of an attack to oppose it. For these reasons Memorialist addresses to your Excellency the humble Petition, to authorise him to keep on board his Schooner the arms which he found there, consisting of 2 pieces of ordnance, six-pounders, 12 muskets, and 6 sabres, together with the necessary proportion of ammunition, soliciting from his Excellency a favourable Reply to his Memorial.

St. Eustatius, August 4, 1825.

(Signed)

JN. BLAIS.

The Governor of this and the Dependent Islands having seen the above Petition of Jean Blais, Citizen of this Island, has thought proper and resolved to grant the prayer of Memorialist, and it is hereby granted, in permitting him to carry on board his Schooner "De Vogel" 2 pieces of cannon, being six-pounders, also 12 muskets and 6 sabres, together with the necessary proportion of ammunition, upon the express condition of his giving, in addition to what is usual, an extraordinary and sufficient security of 5,000 guilders, Netherlands currency, not to employ the Vessel above mentioned in carrying on the prohibited Slave-trade, or to make an improper use of her armament.

Given under our hand and the Seal of the Government, at St. Eustatius, August 5th 1825, being the 12th Year of His Majesty's Reign.

(Signed)

W. A. V. SPENGLER.

MOST Serene, Most Illustrious, Serene, High and Well-born. Most Noble, Honourable, Estimable, Wise and Prudent, Emperors, Kings, Republicks, Princes, Dukes, Counts, Barons, Burgomasters, Aldermen, Councillors, as also Judges, Officers, Justices, and Governors of all good Towns and Fortresses, who shall see these Presents, or shall hear them read, Greeting,

WE, William Augustus Van Spengler, Colonel and Sea Captain, in the service of His Majesty The King of the Netherlands, Governor of the Islands of St. Eustatius, St. Martin,

## SIERRA LEONE. (Netherlands.)

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and Saba, &c. &c. make known, That Jean Blais is Master of the Schooner called "De Vogel," of 51  $\frac{1}{3}$  tons burthen, the property of Mr. Jean Blais, a Subject of His Majesty The King of the Netherlands, and an Inhabitant of this Island; and being inclined to encourage the honest industry of the above Ship-Master, we beseech all the before-mentioned Personages, and each of them in particular, in all the Places at which the above Ship Master may arrive with his Vessel and her Cargo, to be pleased to receive the above-named Master in a friendly manner, and to give him good treatment, allowing him, on his paying the usual tolls and imposts, when he shall come into their Harbours, Rivers, or Territory, to pass, navigate, and frequent them, in whatever manner he may have occasion, for the purpose of transacting his business, which favour we will gladly return.

Given under our Hand, and under the Seal of the Government of St. Eustatius, August 5, 1825, the 12th Year of His Majesty's Reign.

To be in force for a twelvemonth, with the view of enabling him to navigate all Seas excepting those on the Coast of Guinea. (Signed) WILLIAM AUGUSTUS VAN SPENGLER.

Verified by Order,  
(Signed) P. VERSCHUUR, Book-Keeper-General,  
ad interim.

By his Order,  
T. G. GROEBE, Secretary.

Enclosure (A 4.) in No. 56.

(Translation.)

*Muster-Roll of the Schooner "De Vogel."*

MUSTER-ROLL kept on board the Schooner "De Vogel," under the Netherlands Flag, lying in this Harbour, ready to sail, the Crew having been engaged by the Master at such Monthly Wages as are set down against the Name of each; and the Laws respecting the obedience to be paid by each of them to the Master, or to the Person placed over them, being herewith confirmed.

					Dollars.
Master	-	-	-	Jean Blais	-
Steersman	-	-	-	Josh. Tricon	- 30
Steersman's Mate	-	-	-	Francis Boulanger	- 25
Boatswain	-	-	-	Anty. Losan	- 20
Timmerman	-	-	-	Gabillard	- 20
Sailor	-	-	-	Pierre Moquet	- 15
Ditto	-	-	-	Jn. Tomas	- 15
Ditto	-	-	-	André Cristofle	- 15
Ditto	-	-	-	Pierre Bodouin	- 15
Ditto	-	-	-	Antoine Ferere	- 15
Ditto	-	-	-	Joseph Ardisson	- 15
Ditto	-	-	-	Nicolas Lament	- 15
Ditto	-	-	-	Jean Francois	- 15
Cook	-	-	-	Jean Baptiste	- 15
Butler	-	-	-	Augustin	- 15
Boy	-	-	-	Jean Louis	- 10

Registered at St. Eustatius, Aug. 5, 1825.

(Signed) JEAN BLAIS, Owner.

(Signed)

W. A. V. SPENGLER.

T. G. GROEBE, Secretary.

Enclosure (A 5.) in No. 56.

(Translation.)

*Custom House Clearance for the "Vogel" from Eustatius.*

CAPTAIN Jean Blais, of the Dutch Schooner "Vogel," bound for St. Thomas in ballast.  
St Eustatius, August 5, 1825.

(Signed)

J. VERSCHUUR,

Anchorage Ps. 4. (Signed) R. MITCHELL.

Acting Commissioner for Clearances.

Enclosure (B.) in No. 56.

*Custom House Clearance for the "Vogel" from St. Thomas's.*

CAPTAIN J. Blais, of St. Eustatius, with the Schooner "Vogel," of 52 tons burthen, intend to sail to Princes Island and the Coast of Africa, and has laden, dry goods and provisions.

PASSES FREE.

St. Thomas's Royal Custom House, September 17, 1825.

(Signed)

NESNENOUEM.

Enclosure (C 1.) in No. 56.

(Translation.)

*Act of Francisation of the Schooner L'Oiseau.*

In the Name of the KING.

WE the Intendant of Guadeloupe and its Dependencies, declare that Mr. J. Lafosse, Ship-owner, domiciliated at Pointe à Pitre, is Proprietor (1) of the Ship "L'Oiseau," belonging to Pointe

(1) To express if he is sole Proprietor, or conjointly with others, whose names and abode must be designated.



Pitre, and built in America, as has been certified, that Schooner has two masts and one deck, being 61 feet in length from stem to stern, 19 feet 3 inches in the greatest breadth, and 6 feet, 7 inches in height between decks; that it is of 80  $\frac{53}{94}$  tons, having been gauged according to the manner prescribed by the Law of the 12th Nivose, of the Year 2, (2) which is (3) a Schooner, that it has (4) no gallery on the fore-castle; that the Owner of the said Ship has fulfilled the accustomed forms prescribed by the Law of the 27th Vendimiaire, Year 2, to prove that it is French property; that the Declarations, Oaths, Bails, and Securities prescribed by the said Law, have been observed and executed on the 18th October 1823, and registered, No. 35, in the Register of the Customs, where the said Proprietor resides, therefore he has a right to sail under the French Flag. We command, in consequence, the Commanders of the Ships of the Kingdom, and all Publick Functionaries, to acknowledge the Vessel as French, and to cause it to enjoy all the Privileges belonging to Ships of the Kingdom, the Proprietor being obliged to conform to the Laws, and to take out the Licence and Commission prescribed.

Delivered the 18th October 1823. { The Governor and Administrator of Guadeloupe and Dependencies, for the King.  
(Signed) JACOB.

Registered and delivered at the Custom House in the Harbour of Pointe à Pitre, the 18th October 1823. { The Director General of Domains and Customs,  
(Signed) P. DE LA CHEVALERIE.

Received for the Duty of the present Instrument the sum of entered in the Register of Receipts, No. 281.— 48 Francs 60 Cents { The Treasurer, (Signed) NAVAILLER.

Register of the Greffier, folio 4, No. 27. { (Signed) LE COMM. HERMITER.  
Registered under No. 70, in the Office of Armaments.

(2) This blank is intended to insert the depth of the hold if the Ship has only one deck, conformably with Article IX of the Law.

(3) To express here its description, as a Brig, Schooner, &c.

(4) That it has one or none.

Enclosure (C 2.) in No. 56.

(Translation.)

*Role d'Equipage of the Schooner "L'Oiseau."*

YEAR 1825.  
No. 52. ARMING.

The 17th of the Month of September.  
No. DISARMING.

GUADALOUPE.

QUARTER OF POINTE A PITRE.

(Armament of the Month.)

THE SCHOONER "L'OISEAU."

*ROLL of the Crew of the said Schooner, of the burthen of 80  $\frac{53}{94}$  Tons, armed with 2 Cannons, belonging to Mr. Jean Lafosse, and commanded by Jean Bluis, going on the great Coasting Trade.*

Movements.	Names and Surnames.	Places of Birth.	Rank.	Description.			Pay per Month.
				Age.	Height.	Hair.	
	Blais, Jean - -	Europe - -	Captain - -	27	"	B.	200F.
	Tricon - - -	"	Second - -	27	"	B.	150
	Blanc, Pascal -	"	Lieutenant -	33	"	B.	100
	François - - -	St. Maloes -	Mate - - -	26	"	C.	90
	Rosignol - - -	Havre - - -	Carpenter -	35	"	B.	80
	Michael, Jacques	Toulon - - -	Steward - -	23	"	B.	80
	François, Joseph	Curagoa - -	Cook - - -	24	"	B.	80
	Marius - - -	Marseilles -	Sailor - - -	24	"	B.	70
	Figarau - - -	Porto Rico -	"	30	"	B.	"
	Schmit - - -	St. Thomas -	"	25	"	"	"
	Manuel - - -	India - - -	"	22	"	"	"
	Ojé - - -	"	"	"	"	"	"
	William - - -	St. Thomas -	"	23	"	"	"
	Andre - - -	Germany - -	"	25	"	"	"
	Pitizen - - -	Curagoa - -	"	21	"	"	"
	Jacque - - -	{ St. Bartho- lemew - }	{ " - }	56	"	"	"

WE, the undersigned, Owner and Captain of the Schooner "L'Oiseau," acknowledge the present Roll to be a true one, containing 16 Persons, whom we have engaged to sail on the great coasting trade, during a year, we giving security to produce them at the expiration of that period, and to observe towards them, during that voyage, the Laws of the Kingdom.

Done at Pointe à Pitre, Guadeloupe, 17th of the Month of September 1825.

(Signed) J. LAFOSSE.

(Signed) JEAN BLAIS.

The 16 Persons, named in the present Roll, having been seen by me, Under Commissary, charged with the Department of Privateering, and with the Detail of the Classes and of Marine, Captain Jean Blais obtained permission to employ them for the great Coasting Trade, on the conditions stated in the security as above, and we enjoin him to transmit his Roll of the Crew to the Officer of the Classes, or any other Overseer in the Service of the Administration of the Marine, in the Harbour in which he may arrive; on the margin of which Roll, or in the corners, he shall be bound to specify the deserters, the persons dead, and disembarked, and to insert therein the date; and if he augments or replaces such Persons in the Harbours to which he may put in, he shall cause them to be added to the end of his Roll, from date to date; we command him also not to pass or repass any Passengers without presenting them to us, and making mention of them at the bottom of the present Roll, all which being subject to the penalties ordained by the Ordinances of the Marine.

Done at Pointe à Pitre, on the Day, Month and Year above set forth.

(Signed) A. R. SIRE.

Seen on departure, Basse Terre, Pointe à Pitre, 17th September 1825.

(Signed) CUPONDITH.

Seen on departure for Princes Island, Coast of Africa, Basse Terre, 18th September 1825,

(Signed) S<sup>r</sup> SEGALT.

Enclosure (C 3.) in No. 56.

(Translation.)

*Invoice of Merchandize put on Board the Schooner "L'Oiseau," Captain Blais, and consigned to him, to wit:—*

		Dols.	Cents.
1158 Gallons of Rum	at 36 Cents.	416	88
80 Barrels of Powder of 25 <sup>lb</sup>	2000 <sup>lb</sup> at 25	500	—
6 Tierces of Rice	3600 at 5	180	—
220 Muskets	at 5 Dol.	1100	—
110 Bars of Iron of 15 to 16 lb.	3600 at 6 Cents.	216	—
220 Kettles	1320 at 8	105	60
220 Ruffles at 2½ dozen		45	84
220 Cases of Gin, at 2½		495	—
220 Pieces Guinea Blue	at 4 Dol.	880	—
220 Ditto ditto White	at 3	660	—
220 Ditto ditto Limeneas	at 3½	770	—
3309 Ells to be divided into 220 pieces Nicanes		377	26
220 Pieces Chacelats	at 3½	715	—
220 Handkerchiefs, Romaes 15 in the piece	at 2	440	—
220 Ditto - - Kermitches 10 ditto	at 2	440	—
220 Ditto - - Blue - 10 ditto	at 2	440	—
220 Ditto - - Madrasses, Red and Blue, assorted	at 1½	360	—
45 Pieces of striped Silk of 20 yards to be divided into small pieces		180	—
10 Dozen Razors	at 4	40	—
9 Ditto ditto	at 3½	29	25
20 Ditto Padlocks		26	—
1 Barrel of Flints		10	—
2524 Pounds of Tobacco	at 6½ Cents.	164	6
220 Mirrors	at 8½ R. p. doz.	19	47
60 Bundles of Necklaces and small Necklaces in form of a pipe		16	—
		8626	36
EXPENCES.			
Duties		100	—
Expences of Negroes for sewing the Bales		20	—
		8746	36

Pointe à Pitre, 17th September 1825.

(Signed) J. LAFOSSE.

Enclosure (C 4.) in No. 56.

AN Invoice similar to the above, with the exception of the 3d Entry, viz: 6 Tierces of Rice, which is partially erased, of Saint Thomas being introduced instead of Pointe à Pitre, and of its being signed by J. Blais instead of J. Lafosse.

Enclosure (C 5.) in No. 56.

(Translation.)

*Custom-House Clearance from Guadaloupe of the Schooner "L'Oiseau."*

Extract from the Register of Declarations of the Departures of Ships.

THIS day, the 18th of the Month of September 1825, appeared at this Office Mr. Jean Blais, Captain of the Schooner "L'Oiseau," of Pointe a Pitre, of the burthen of 80 <sup>59</sup>/<sub>94</sub> tons, armed with 2 cannons, manned by a crew of 16 men, belonging to Mr. Jean Lafosse, who has declared that the Vessel is going to the Isle of Princes, Coast of Africa, and that she is laden with what follows, to wit:—

Ten hogsheads of rum, 80 barrels of powder, 6 tierces of rum, 220 muskets, 110 bars of iron, 220 cases of gin, 2,500lb of tobacco, 12 bales, 8 cases of different dry merchandize and hardware, 220 iron kettles, a barrel of flints, besides the private effects of the Crew: nothing more; submitting to the penalties enacted by the Ordinances.

Done in the said Office on the Day and Year above-written. The Receiver of Declarations,  
(Signed) LACORY.

Enclosure (C 6.) in No. 56.

(Translation.)

*Jean Blais to Joseph Tricon.*

FATHER IN LAW,

LE ROI is within a league of the Ship, I have, therefore, been to his house, and after many things said, according to custom, we came to an arrangement: he told me that he was to give me a *heifer*, and that he wishes for the following articles, without being able to make any deduction whatsoever, to wit:—

One gun, 1 padlock, 1 mirror, 8 measures of powder, of the same form as the one that will be brought to you, 12 heads of tobacco, 1 ruffle, 48 handkerchiefs, as he observed to me, like the handkerchief which you have, 1 pen-knife, 2 gallons of rum, without water, 1 razor, 1 large kettle, 1 bar of iron, vr. 12, a bunch of necklaces.

And when he receives that, he has promised to give me something else, which will be a *Calf*.

I salute you,  
(Signed) BLAIS.

I await your answer to obey it. Le Roi begs you to make him a present of a bottle of wine. He has only 5 slaves—those whom he showed me were good ones.

No. 57.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received Sept. 2.)*

SIR,

*Sierra Leone, June 4, 1826.*

WE have the honour to acknowledge the receipt of your Despatch of the 13th of March last, communicating to us the names of several Ships and Vessels of His Majesty's Navy, to which the Instructions referred to in the Treaty with His Netherlands Majesty for the prevention of Slave-trade, have been issued.

We have the honour to be, &c.

(Signed)

JOHN TASKER WILLIAMS.  
D. M. HAMILTON.

*The Right Hon. George Canning,*  
&c. &c. &c.

No. 58.

*D. M. Hamilton, Esq. to Joseph Planta, Jun. Esq.—(Received Oct. 16.)*

SIR,

*Sierra Leone, August 15, 1826.*

IN pursuance of the 75th Clause of the Act, passed in the 5th Year of the Reign of His present Majesty, intituled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave-trade," and in obedience to the Instructions received from Mr. Secretary Canning, relative to the same, I beg leave to enclose, in Duplicate, a List or Return of all the Cases of Netherlands Vessels which have been Adjudicated in the British and Netherlands Mixed Court of Justice established at this Place, from the 1st of January to the 30th day of June 1826, both days inclusive.

I have the honour to be, &c.

*Joseph Planta, Jun. Esq.*  
&c. &c. &c.

(Signed) D. M. HAMILTON.

Enclosure in No. 58.

*Return of Netherlands Vessels Adjudicated by the British and Netherlands Mixed Court of Justice established at Sierra Leone, from the 1st day of January to the 1st day of July 1826.*

NAME of VESSEL.	Date of Seizure.	Property Seized.	SEIZOR.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the Proceeds remain.
Hoop .....	January 3, 1826	{ Schooner and Cargo of Merchandise.... }	Charles Bullen....	January 23, 1826	{ Condemned for illicitly trading in Slaves. No Slaves were found on board at the time of Capture, but the said Schooner fell under the further Additional Article to the Treaty of the 4th of May 1818. }	{ The Schooner and Cargo sold by publick auction, and the Proceeds paid; one Moiety into the Military Chest, and one Moiety to the Netherlands Judge. }
Amable Claudina..	November 12, 1825	{ Schooner and 34 Slaves }	J. A. Murray .....	February 6, —	{ Condemned for illicitly Trading in Slaves; but the Court decreed that no Slaves were on board at the time of the Capture of the said Schooner, and therefore the 34 Slaves, which were put on board at the instance of the Captors, were not entitled to Emancipation. }	{ The Schooner sold by publick auction and the Proceeds thereof, together with the Money found on board her at the time of Capture, paid; one Moiety into the Military Chest, and one Moiety to the Netherlands Judge. }
Charles .....	December 19, —	Brig and 265 Slaves	John Chrystle .....	March 15, —	{ Condemned for illicitly Trading in Slaves. }	{ The Brig sold by publick auction; one Moiety of the Proceeds paid into the Military Chest, and one Moiety to the Netherlands Judge. }
Vogel .....	January 22, 1826	{ Schooner, and Cargo of Merchandise.... }	Geo. W. Wilkes ..	March 31, —	{ Condemned for illicitly Trading in Slaves. No Slaves were found on board at the time of Capture; but said Schooner fell under the further Additional Article to the Treaty of the 4th of May 1818. }	{ The Schooner and Cargo sold by publick auction, and one Moiety of the Proceeds paid into the Military Chest, and one Moiety to the Netherlands Judge. }

*Sierra Leone, July 1, 1826.*

(Signed) D. M. HAMILTON, Arbitrator.

SIERRA LEONE.

(Netherlands.)

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No. 59.

*D. M. Hamilton, Esq. to Mr. Secretary Canning.—(Received Oct. 28.)*

SIR,

*Sierra Leone, August 26, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, dated the 8th July last, with its Enclosure, containing, for His Majesty's Commissioners, the information that the Netherlands Brig-of-War "*Panther*," destined for the West Indies, will be furnished with a Copy of the Treaty of the 4th of May 1818, and the Documents annexed thereto, for the suppression of the Traffick in Slaves

I have the honour to be, &amp;c.

(Signed) D. M. HAMILTON.

*The Right Hon. George Canning,*  
 &c.      &c.      &c.

No. 60.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 5, 1826.*

I HAVE to acquaint you, for your information, and that of the other Gentlemen composing the Mixed Board of Commission, of which you are Members, that it appears, by a Communication from the Admiralty, under date of the 25th ult. that the Instructions, referred to in the Treaty between Great Britain and the Netherlands, for the suppression of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy :

Names.	Guns.	Commanders.
<i>Druid</i> .....	46. ....	Lieut. Chambers.
<i>North Star</i> .....	28. ....	Capt. Arabin.
<i>Scylla</i> .....	18. ....	Wm. Hobson.
<i>Pylades</i> .....	18. ....	G. V. Jackson.

And that those Instructions have been recalled and cancelled, which had been issued to His Majesty's Ships "*Hussar*," "*Dartmouth*," "*Dispatch*," "*Ferret*," and "*Swinger*."

I am, &amp;c.

(Signed) GEORGE CANNING.

*His Majesty's Commissioners.*



# HAVANNAH.

No. 61.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)*

SIR,

*Havannah, January 1, 1826.*

WE have the honour to enclose the Return required by the 75th Clause of the Act 5th George IV. Cap. 113.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

*The Right Hon. George Canning,*  
&c. &c. &c.

Enclosure in No. 61.

*Half-Yearly Report of Cases adjudicated by the Mixed Commission at the Havannah.*

Date of Seizure.	Property Seized.	SEIZOR.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property Condemned has been sold or converted, or remains unsold, and in whose hands the Proceeds remain.
Oct. 5, 1825	{ Spanish Brigantine "Isabel," with 10 Negroes on board; no other Cargo. }	{ Lieut. Edwd. Smith, commanding His B. M. Schooner "Lion" }	Oct. 17, 1825	Forfeiture . . . .	{ The Brigantine, Tackle, &c. have been sold, nothing remaining unsold. The British moiety of the net proceeds has been remitted to His Majesty's Secretary of State for Foreign Affairs. }

(Signed)

H. T. KILBEE.

*Havannah, January 1, 1826.*

W. S. MACLEAY.

No. 62.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received March 9.)*

SIR,

*Havannah, January 18, 1826.*

IN a conversation, lately, with the French Consul-General, upon the subject of the Slave-trade, he informed us, and at our request had the goodness

to furnish us with a Copy of a Communication which he had received from the French Consul at Santiago de Cuba, respecting the re-capture, by a Spanish Slave Ship, of some Prizes which had been taken by His Majesty's Cruizers on the Coast of Africa. A report has reached us, that the British Crews of the Prizes had been murdered by the Spaniards, and in the hope that it may be of some use in the investigation of this atrocious affair, we have the honour to enclose a Copy and Translation of the Communication referred to.

We have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed)

H. T. KILBEE.  
W. S. MACLEAY.

Enclosure in No. 62.

*The French Consul at Santiago to the French Consul-General.*

Monsieur le Consul Général,

Santiago de Cuba, le 14 Décembre, 1825.

LA Frégate de S. M. B. "L'Isis" appartenant à la Station de la Jamaïque est entrée dans ce Port avanthier.

Je ne doute pas que sa Mission, qui dailleurs est restée fort secrète, ne soit relative à un acte de Piraterie commis récemment sur la Côte d'Afrique par un Négrier Espagnol appartenant à ce Port, et nommé le "Gavilan" ou le "Feliz," Capitaine Zagarra, armé de 14 canons, lequel a enlevé deux Bâtimens Négriers pris par les Anglais, l'un Espagnol appartenant aussi au Port de Santiago, et l'autre Portugais, et en a attaqué un troisième qui s'est échappé.

Après cette capture le Capitaine Zagarra s'empara de tous les Nègres du Bâtiment Portugais, et renvoya avec ce même Bâtiment les équipages Anglais, et vint débarquer les Esclaves sur cette Côte, et entra ensuite ici ainsi que sa prise le 28 du Mois dernier, comme venant de St. Thomas; les Armateurs se sont hâtés de faire repartir les deux Bâtimens.

Mon principal motif pour vous donner ces détails est, que pendant les Pirateries le "Gavilan" a arboré la Hamme et le Pavillon Français, ce qui pourrait avoir donné lieu à des méprises ou à de faux rapports; mais je sais que les équipages renvoyés abord du Bâtiment Portugais n'y ont pas été trompés.

Je ferai le même rapport à son Excellence le Ministre des Affaires Etrangères.

J'ai l'honneur, &c. &c.

(Signé)

S. DANNERY.

P. S. Du 15 Décembre. J'ai tout lieu de croire que les Autorités d'ici se sont bornées à nier d'avoir eu connaissance des Pirateries du "Gavilan," non plus du débarquement des Esclaves.

Mons. Angeluci, Consul-Général de France à la Havane.

(Signé) S. D.

(Translation,)

MR. CONSUL GENERAL,

Santiago de Cuba, December 14, 1825.

HIS Britannick Majesty's Ship "Isis," attached to the Jamaica Station, entered this Port the day before yesterday.

I have no doubt of her Mission, which has, however, been kept very secret, having relation to an act of Piracy, recently committed on the Coast of Africa by a Spanish Slaver belonging to this Port, and named the "Gavilan," alias the "Feliz," Captain Zagarra, mounting 14 guns; which Ship has captured 2 Slave-traders that had been taken by the English; the one a Spanish Vessel belonging likewise to the Port of Santiago, and the other a Portuguese, besides attacking a third, which made her escape.

After this Capture, Captain Zagarra, having taken possession of all the Negroes of the Portuguese Vessel and dismissed the English Crews in her, sailed for this Coast in order to land the Slaves, and finally entered here with his prizes, on the 28th ult, as if coming from St. Thomas; the Persons who fitted out the Ship have been in haste to send back to Sea the 2 Vessels taken.

My principal motive in giving you these details is, that during her acts of Piracy, the "Gavilan" hoisted the French Pennant and Flag, a circumstance which might have given rise to mistakes or false reports; but I know that the Crews discharged on board of the Portuguese Vessel have not been deceived by it.

I shall make the same report to his Excellency the Minister of Foreign Affairs.

I have the honour to be, &c.

(Signed)

S. DANNERY.

P. S. December 15. I have every reason to believe that the Authorities of this Place have confined themselves to a denial of having any knowledge of the Piracies of the "Gavilan," or of the landing of the slaves.

(Signed)

S. D.

M. Angeluci, Consul-General of France at the Havannah.

## No. 63.

*His Majesty's Commissioners to Mr. Secretary Canning.-(Received April 3.)*

SIR,

*Havannah, February 22, 1826.*

THE Spanish Brigantine "*Magico*," was brought into this Port on the 26th ult. by His Majesty's Schooner "*Union*," Lieut. A. B. Lowe, Commander, having been captured on the 22d with 179 Negroes on board.

The Mixed Commission could not in this Case proceed, as directed by Treaty, to receive the Depositions of the Master and some of the Crew of the Prize, the whole of them having escaped on Shore before she was taken possession of by the "*Union*;" it was, therefore, judged necessary by the Court to summon the Officers of the latter for the purpose of corroborating, and, as far as was practicable, affording legal proof of the Statement made by the Commander, in his Affidavit, and in his Declaration of the state of the Prize at the time of capture; and also that the Commander himself should be requested to appear again, in order that he might be further examined respecting the inhuman conduct stated by him to have been observed by the Crew of the "*Magico*" towards the unfortunate Negroes.

Lieut. Lowe and two of his Officers were accordingly examined, and their Depositions, together with the Ship's Papers, which most fortunately were all found on board, placing beyond the possibility of a doubt both the identity of the Vessel, and the fact that she had been engaged in the illicit Traffick in Slaves, no further delay was considered necessary, and Sentence of Condemnation was pronounced on the 31st ultimo.

By these Depositions and Papers, it appears that the "*Magico*," of which Don Joze Inza was Master and ostensible Owner, sailed from hence on the 26th June 1825, for the Coast of Africa, where she arrived on the 16th August. She remained on the Coast until the 8th December, when she again sailed on her return from Grand Popoe; on the 20th of January she was fallen in with and chased by His Majesty's Schooner "*Union*," and having been brought to action in the course of the 21st, she was finally run a-shore by the Crew on the Morning of the 22d, near a point on the North side of this Island, called Manati, and shortly after taken possession of by the "*Union*." The Crew previously escaped to land with, it is supposed, about 200 of the Negroes, and many of the latter that remained were found severely wounded, some were hanging on at different parts of the Vessel, and from 20 to 30 of their dead bodies were seen in the Sea; all this being evidently the result of the endeavours employed to force them to jump overboard and swim to Shore. The Crew even carried their barbarity so far as to leave a lighted match in the powder magazine.

A Copy of the Declaration made by Lieut. Lowe of the state of the Prize at the time of capture; an Abstract of the Evidence taken; and Translations of the Sentence of Condemnation, and the Correspondence which passed between the Captain-General and the Mixed Commission, in the course of the Proceedings in this Case, are enclosed.

In their Sentence the Court have, in forcible terms, drawn the attention of the Captain-General to the inhuman conduct of the Crew of the "*Magico*," suggesting the expediency of apprehending and punishing the Delinquents, as well as of collecting the Negroes who had been landed by them, and who are, as well as those found on board, fully entitled to the benefit of Emancipation.

Of the 179 Negroes found on board at the time of capture, 3 died before disembarkation, and 1 immediately after, leaving the number emancipated 175. One of these, after his Certificate of Emancipation had been made out, was stolen while under the charge of the Person who had been named by the Captain-General to receive them from the Captor. The Mixed Commission did not fail to apprise his Excellency of this circumstance, and we understand, that the most effectual measures have been



adopted for the recovery of the Negro, the whole of the guard of soldiers that was placed over them, and two other individuals, being now in prison as implicated in the transaction.

The "Magico" is the Vessel respecting which a long Correspondence with the Captain-General, was reported last Year, and the result of her present Voyage, similar in every respect to the former one, which was then under discussion, is the best justification of the strong assertions which His Majesty's Commissary Judge ventured to make to you in those Despatches.

I have the honour to be, &c.

(Signed)

HENRY T. KILBEE.  
W. S. MACLEAY.

*The Right Hon. George Canning,*  
&c. &c. &c.

### First Enclosure in No. 63.

#### *Declaration of Lieutenant Lowe.*

I, A. B. LOWE, Lieutenant and Commander of His Britannick Majesty's Schooner "Union," hereby declare, that on this 22d day of January 1826, being then in or about Latitude 21. 20. North, and Longitude 76. 40. West, I detained the Brigantine "Magico;" sailing under Spanish Colours, armed with 3 guns, nine-pounders, commanded by who declared her to be bound from to with a Crew consisting of men, boys, supercargo, passengers whose names, as declared by them respectively, are inserted in a List at foot hereof, and having 179 slaves, said to be taken on board at on the day of and are enumerated as follows:—

	Healthy.	Sickly.	
Men - - -	64	2	Through Wounds.
Women - -	20	3	Ditto.
Boys - - -	40	1	Ditto.
Girls - - -	48	1	Ditto.

I do further declare, that the said Brigantine appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the said Negroes and Crew on their voyage to her supposed destination near Havannah.

I do further declare, that I chased her from the 20th to the 22d of January 1826, when she ran a-shore, some where near Manati, on the North-side of Cuba, and landed, to the best of my opinion, at least 200 slaves, before I took possession of her; at which time the whole of the Crew deserted her by going on Shore, and were assisted by the Inhabitants, in my opinion, in landing the said slaves; also, that when on the Bahama Bank, on the 21st of January, I brought her to action; in consequence of firing at His Majesty's Schooner "Union," which lasted for better than half an hour, when she made all sail away, but still continued firing now and then from her stern Chasers. It is with regret that I am in duty bound to mention the barbarity of her Crew towards those unhappy creatures, the said Negroes, having actually cut several of those slaves for the intention, I suppose, of making them jump overboard, to the best of my opinion, I saw 20, or 30 Negroes drowned alongside, laying at the bottom, and what is still more horrid to the feelings of a Christian, when she was taken possession of there was a lighted match found in her Magazine of Powder, and very probably, had it remained there for a few minutes longer, the whole of those unhappy Negroes would have been blown up.

(Signed) A. B. LOWE, Lieutenant and Commander.

Witness, W. W. WHITE, Mate.

A. HENDERSON BROWN, Surgeon.

## Second Enclosure in No. 63.

*Abstract of the Evidence in the Case of the Spanish Brigantine "Magico."*

LIEUTENANT ALEXANDER B. LOWE, declared in his Affidavit, that he had captured this Brigantine in Latitude 21. 20 North, Longitude 76. 40. West, with 179 Negroes on board, and that he had found a tin case with the name "*Magico*" marked upon it, containing the regular Papers issued at this Port of Havannah, in the Month of June 1825, authorizing that Vessel to proceed to the Island of Saint Thomas, on the Coast of Africa, for the purpose of trading in Articles of lawful Commerce, but expressly prohibiting her from engaging in the Slave-trade. A Log-Book kept by the Mate Sanchez, was likewise found on board, together with his Commission granted by Admiral Gaston, and several other Papers of little importance, all of which were produced. Lieutenant Lowe added, that he had not given to the Master of the Brigantine the Certificate, as directed by Treaty, because there was no such Master on board, nor indeed any White Person whatever, at the time of the capture.

Upon a subsequent examination, Lieutenant Lowe deposed, that the Declaration of the state of the Vessel at the time of Capture was drawn up after a form, which had been given to him for that purpose, and that the blanks in it had not been filled up, because no Master or Crew had been found on board; that it was from the freshness of the wounds, the parts of the body in which they were received, and the several dead bodies which he saw in the Sea, that he had inferred what he stated in the said Declaration, namely, that in the precipitate flight of the Crew they had forced many of the Negroes to throw themselves overboard, in the hope that they would swim a-shore, but that he was not in possession of any facts to confirm his opinion; that from the number of Negroes he saw on Shore, he judged that they amounted to about 200, and that they were joined by several White Persons who had been, previously to the landing of the Negroes, near to two Huts, apparently of Fishermen: that he did not himself see the lighted match in the Powder Magazine, but that it was shewn to him by one of his Sailors who found it there.

Mr. George William White, Mate of the "*Union*," deposed, that the Brigantine was seen by the "*Union*" on the 20th January, and immediately chased; that she was brought to action on the 21st, and at length captured on the 22d, near the Point Manati, after having been run a-shore, the Crew and many Negroes having succeeded in reaching the land before the Schooner could come up; that he was ordered by his Commanding Officer to go on board the Brigantine, in which he found no White Person whatever, but a considerable number of Negroes, some of them wounded and several hanging on at different parts of the Vessel, from whence he inferred that they had forcibly been driven over-board: and this conjecture was confirmed by the circumstance of several dead bodies being seen at the bottom where the Brigantine was aground. That the Negroes in danger were immediately taken on board, and those wounded afforded every assistance; that the Ship's Papers were taken possession of and delivered over to the Commanding Officer; that the Negroes were numbered; and the Vessel having been got off, she proceeded to Sea under the command of the Deponent, as Prize Officer, and arrived at the Port of Havannah on the Evening of the 26th; that immediately after he boarded the Prize, he ordered the Powder Magazine to be searched, and that a Sailor, named Benjamin Phillips, brought up to him a match still lighted, which was found in the same.

Mr. George Crisp Dowers, Mid-shipman, serving on board the "*Union*" deposed to the circumstance of the capture of the "*Magico*" in the same terms as the last Witness; that he was not ordered on board the Prize until the evening of the day on which she was captured, from which time he remained in her until she arrived at the Port of Havannah, on the 26th of January.

## Third Enclosure in No. 63.

(Translation.)

*Sentence of the Mixed Commission in the Case of the "Magico."*

THE Proceedings having been duly considered in this Cause, respecting the detention, effected on the Coasts of this Island, by the English Schooner of War, named the "*Union*," Alexander B. Lowe, Lieutenant in the Royal British Navy, Commander, of the Brigantine (*Magico*) with a Cargo of 179 African Negroes actually on board at the time of the capture; in which, although no Depositions have been received from Individuals belonging to the said captured Vessel, because they all fled a-shore with a part of the same Cargo, it is proved, in a manner which admits not of doubt, by all the principal Documents which were taken, and have been presented to the Commission, that the aforesaid Vessel is the Spanish Brigantine known by the name of "*Magico*," D. Joze Inza, Master and Supercargo, dispatched by the Department of the Commandant of "*Matricula*" of this Port, in the Month of June last Year, for the African Island of St. Thomas, and of which D. Pedro Sanchez was Mate, as appears by the Log-book upon her outward voyage, and upon her return up to the 20th to the 21st of the Month, which is now concluding, when the English Schooner of War began to chase her; proceeding, as is the practice in these Cases, briefly and summarily, the truth being ascertained, and good faith observed, and considering, that, in the above-mentioned Documents, there is sufficient ground for the final determination, it is declared to be well and legally effected, the capture of the aforesaid Vessel, and of the 179 Negroes found on board, and that the former is subject and liable to confiscation, together with her tackle, apparel, and whatever may be contained therein, with the exception of the aforesaid Negroes, who remain free from all slavery and captivity. It is accord-

ingly directed, that, with respect to the said Vessel and whatever belongs to her, a valuation be made thereof by the principal Masters of the Royal Arsenal, upon their previously swearing faithfully to perform this duty, the proper official application being made for this purpose, and that the same be exposed to publick auction before the Royal Notary, Don Joze Rafael de Meza, and be disposed of to the highest bidder, at the Auction Room of Don Antonio Galea, in order that the proceeds may be applied to the benefit of the two Governments, the said Vessel being for the present placed in deposit with Don Jayme Andren, who shall likewise take the proper oath, receiving the same by formal inventory. And with respect to the Negroes, it is directed that their Certificate of Emancipation be given to them, as soon as they shall be landed, by Don Rafael Gonzales Barranca, Deputy Secretary, who is hereby appointed to perform that duty; for which purpose an Official Letter, with a certified Copy of this Sentence, shall be addressed to his Excellency the Governor and Captain General requesting that he may be pleased to name a Person in whom he has confidence, to receive and take charge of them, until his Excellency shall dispose of them as he may think proper, in conformity to the Treaty.

This Mixed Commission cannot pass over in silence the horrible conduct observed by the Crew of the Brigantine towards the unhappy Negroes, forcing them, by wounds, to throw themselves into the Sea, in order to escape from the English Schooner of War which was probably the cause of some of them being drowned, whose dead bodies were seen at the bottom where the former ran a-shore: and being persuaded that the well known zeal and love of justice of his Excellency will induce him to pursue the perpetrators of such an execrable crime, and also to cause the Negroes, dispersed and straggling on Shore, to be collected, on the ground that they, too, should be included in the benefit of Emancipation; it is hereby directed, that a certified and entire Copy of the Proceedings be made out for the purpose of being transmitted, separately, to his Excellency, as soon as the whole shall be concluded, in order that he may be pleased to proceed, with regard to those points, conformably to Law.

(Signed)

CLAUDIO MARTINEZ DE PINILLOS.

H. T. KILBEE.

RAFAEL GONZALEZ, Secretary.

Havannah, January 31, 1826.

## Fourth Enclosure in No. 63.

(Translation.)

*The Mixed Commission to the Captain-General.*

MOST EXCELLENT SIR,

Havannah, February 1, 1826.

BY the accompanying certified Copy, your Excellency will be apprized of the final Sentence pronounced by this Mixed Commission in the Cause respecting the Capture of the Spanish Brigantine "*Magico*," with a Cargo of African Negroes, by the English Schooner-of-War "*Union*." In consequence thereof, the said Negroes are to be delivered up to the person whom your Excellency shall appoint, in order that they may be disposed of as you shall think proper, in conformity to the Treaty; and as the Commission have to assign to each Negro his Certificate of Emancipation, as has been done in the former Cases, they request that your Excellency will be pleased to communicate to them the name of the said Person, as soon as he shall be appointed, in order that they may proceed in the performance of that duty.

At the same time, your Excellency will observe the reservation made by the Commission to transmit to you an entire Copy of the Proceedings for the purposes which are stated, and which shall be done as soon as they are concluded.

God preserve, &amp;c. &amp;c.

(Signed)

CLAUDIO MARTINEZ DE PINILLOS.

H. T. KILBEE.

His Excellency the Captain-General.

## Fifth Enclosure in No. 63.

(Translation.)

*The Captain-General to the Mixed Commission.*

MOST EXCELLENT SIR, AND GENTLEMEN,

Havannah, February 2, 1826.

I HAVE received, with your Official Letter, the Copy of the final Sentence, pronounced by the Mixed Commission, in the Cause relative to the Capture of the Spanish Brigantine "*Magico*," with a Cargo of bozal Negroes, by the English Schooner of War "*Union*;" I have taken the whole into due consideration, and under this day's date I have named Don Canuto Diez to receive the Negroes and to dispose of them in the same manner as the others, conformably to the Treaty; authorizing him likewise to proceed to the performance of the other Act relative to the Certificates of Emancipation, which are to be made out by the Mixed Commission, as was done in the two former similar Cases.

As soon as I shall receive the Copy of the Proceedings, I will take the proper steps, in conformity to the Treaty and to justice, against the perpetrators of the outrage committed when the above-mentioned Brigantine "*Magico*" ran a-shore.

God preserve, &amp;c. &amp;c.

(Signed)

FRANC<sup>o</sup> DION<sup>o</sup> VIVES.

His Excellency the Intendant, and the other Members of the Mixed Commission.

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Sixth Enclosure in No. 63.

(Translation.)

*The Mixed Commission to the Captain-General.*

MOST EXCELLENT SIR,

Havannah, February 3, 1826.

IN consequence of what we stated to your Excellency at the conclusion of our Official Letter of the 1st instant, in which was enclosed a certified Copy of the Sentence pronounced in the Cause, respecting the Capture of the "*Magico*;" we now transmit to your Excellency a certified Copy of the Proceedings up to that state of the Case, in order that you may be pleased to adopt the measures which you shall judge advisable. God preserve your Excellency, &c. &c.

(Signed)

CLAUDIO MARTINEZ DE PINILLOS.  
H. T. KILBEE.

His Excellency the Captain-General,

Seventh Enclosure in No. 63.

(Translation.)

*The Mixed Commission to the Captain-General.*

MOST EXCELLENT SIR,

Havannah, February 6, 1826.

THE Mixed Commission have concluded, by means of a Person of trust appointed by them, the act of assigning to the "bozal" Negroes belonging to the Brigantine "*Magico*," which was captured by the Schooner of War "*Union*," their respective Certificates of Emancipation, which were not delivered into their hands for the same reason that they were withheld in former Cases; and we now transmit them to your Excellency for the purposes stated in those Cases.

Although the number of Negroes captured was 179, only 175 Certificates have been assigned, 3 of the Negroes having died on board the Brigantine before the disembarkation, according to the Report made to the Commission by the Commander of the English Schooner, which is preserved amongst the other Proceedings in the Cause; and another having been stated to have died, by Don Canuto Diez, after they had been placed under his charge, of which it is probable that he will have made a Report to your Excellency.

Upon this occasion it has likewise been endeavoured to ascertain the ties of relationship that might exist amongst any of the said Negroes; and it having been discovered that such ties did exist in some Cases, the same has been noted down in the margin of their respective Certificates, for your Excellency's information.

The Mixed Commission cannot avoid taking this opportunity to inform your Excellency, that their Secretary has communicated to them that Don Canuto Diez had verbally stated to him, at about half-past two o'clock yesterday, that, after the List of the Negroes had been made out, and their Certificates assigned to them, he found that the one numbered 11 was missing, and it was inferred that he had been stolen on the morning of the same day; and this being altogether a most scandalous action, the Commission trust that your Excellency will employ all your zeal in the matter until the perpetrator be discovered, and the Negro restored to the liberty which he had already obtained, and of which it has been attempted to deprive him.

God preserve your Excellency.

(Signed)

CLAUDIO MARTINEZ DE PINILLOS.  
H. T. KILBEE.

His Excellency the Captain-General.

Eighth Enclosure in No. 63.

(Translation.)

*The Captain-General to the Mixed Commission.*

MOST EXCELLENT SIR, AND GENTLEMEN,

Havannah, February 9, 1826.

BY your Official Letter of the 6th instant, I have been duly apprized that the Mixed Commission has concluded the act of assigning to the "bozal" Negroes of the Brigantine "*Magico*," which was captured by the Schooner-of-War "*Union*," their respective Certificates of Emancipation, which Certificates were not delivered into their hands for the same reason that they were withheld in former cases, and you, therefore, transmit them to me. I have been likewise apprized, that, although the number of Negroes captured was 179, Certificates of Emancipation have been assigned to only 175, because 3 died on board the Brigantine before the disembarkation, according to the Report made to the Commission by the Commander of the English Schooner, which is preserved amongst the other Proceedings in the Cause, and before the List of the rest was made out, Don Canuto Diez reported to me the death of another, all being at the time under his charge.

Your determination appears to me to be very proper, regarding the investigation of the family ties which might exist among the Negroes, which are noted down in the margin of the said Certificates for my information.

With respect to what you state to me relating to the loss of No. 11, who, after his description was taken, was stolen, the Captain of the District of San Lazaro is proceeding in the necessary summary investigation for the purpose of discovering the author or authors of this crime, who shall be punished according to Law. God preserve, &c. &c.

(Signed)

FRANCº. DIONº. VIVES.

His Excellency the Intendant, and the other  
Members of the Mixed Commission.

## No. 64.

*His Majesty's Commissioners to Mr. Secretary Canning.--(Received April 21.)*

SIR,

*Havannah, February 22, 1826.*

ON the 10th instant, the Portuguese Brig "*Aurora de Cabo*," Joaquim Francisco Flores, Master, sailed for Angola, on the Coast of Africa, and on the 19th, the Spanish Brigantine "*Xerxes*," and the Schooners "*Paulita*" and "*Hortensia*," Ramon Gonzales, Antonio Ferrer, and Vicente Gomez, Masters, sailed for St. Thomas and Princes Islands on the same Coast.

On the 18th instant, the Spanish Schooner "*Proserpina*," Jose Antonio Barrera, Master, arrived here professedly from the Danish Island of St. Thomas, but really from the Coast of Africa, with a Cargo of 85 Negroes, which she landed near Cabanas; this Vessel was fitted out at Cadiz.

It is reported that the Spanish Schooner "*Teagenes*" has landed 200 Negroes on the South side of the Island, but she has not yet entered this Port.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

*The Right Hon. George Canning,*  
&c. &c. &c.

## No. 65.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received May 19.)*

SIR,

*Havannah, March 16, 1826.*

THE enclosed Translation of a Letter from the Captain-General to the Mixed Commission, is the only Communication which has yet been received from his Excellency, respecting the Representation made to him upon the cruel conduct of the Crew of the "*Magico*," towards the Negroes belonging to that Vessel.

His Excellency has not yet informed the Commission of the result of the measures which he had adopted for the recovery of the emancipated slave, reported in our Despatch of the 22d Ultimo, to have been stolen from the place in which the Cargo of the "*Magico*" had been deposited by his order.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

*The Right Hon. George Canning,*  
&c. &c. &c.

Enclosure in No. 65.

(Translation)

*The Captain-General to the Mixed Commission.*

MOST EXCELLENT SIR, AND GENTLEMEN,

*Havannah, February 28, 1826.*

IN conformity with the opinion which the Auditor of War has given me, I have directed the Authorities of this Island to adopt the necessary steps for the apprehension of the Individuals composing the Crew of the Brigantine "*Magico*," which arrived on these Coasts with a Cargo of African Negroes.

I have likewise transmitted to the Commandant of the Naval Forces, on this Station, a Copy of the Documents which you forwarded to me in your Official Letter of the 3d instant, from the consideration, that to the Naval Department belongs the cognizance of the crimes committed on board the aforesaid Brigantine.

And finally, I have transmitted likewise a certified Copy of the Proceedings to his Excellency the Minister of State, that all that has occurred with respect to the said Vessel may reach the knowledge of the King, my Master, in order that His Majesty may be pleased to resolve what may be His Royal Pleasure. All which I state to you in reply to your Letter above referred to.

God preserve you many Years.

(Signed)

FRANC<sup>o</sup>. DION<sup>o</sup>. VIVES.

*His Excellency the Intendant, and the other  
Members of the Mixed Commission.*

## No. 66.

*His Majesty's Commissioners to Mr. Secretary Canning—(Received May 19.)*

SIR,

*Havannah, March 23, 1826.*

ON the 9th instant, His Majesty's Schooner "Speedwell," Lieutenant James C. Bennett, Commander, arrived here with a Cargo of Negroes belonging to the Spanish Brigantine "Orestes;" which Vessel had run aground near the Grass-cut-Keys, on the Bahama Bank, where she was found by the "Speedwell," on the 5th instant, the Negroes being still on board in a very wretched state, from want of water and provisions, but the whole of the Crew having landed on one of the Keys. Finding it impossible to get the "Orestes" off, Lieutenant Bennett took the Negroes on board his own Vessel, together with the Master, the Mate and a Passenger, not having room for any more of the Crew. The Master died shortly after he was taken on board the "Speedwell."

The Mixed Commission, having received the Affidavit of Lieutenant Bennett, and the Depositions of the Mate and Passenger of the "Orestes," pronounced a Decree on the 15th instant, emancipating the Slaves and condemning the Vessel, should she or any part of her ever be saved.

The Brigantine "Orestes," Don Joze Ramon Mutio, Master, sailed from this Port on the 20th of July 1825, for the Coast of Africa, where she arrived in the Month of September, and remained till the 10th of January, on which day she received on board 284 or 285 Negroes, and immediately set sail on her return to this Island. In the last days of February, she was chased by 2 British Schooners, from which, however, she escaped, but shortly after ran aground near Grass-cut-Keys. After 2 days the Crew made a raft, all the Boats, it appears, having been lost, and proceeded to one of the Keys, leaving the Negroes on board: they had been 3 days in this situation when the "Speedwell" appeared, and took possession of the "Orestes."

We have the honour to enclose an Abstract of the Evidence, and a Translation of the Decree of the Court.

Of the original number of Negroes received on board on the Coast of Africa, 22 according to one Witness, and 25 according to the other, died on the passage, previously to the day on which the "Orestes" ran aground; but neither of them was able to state how many were alive when she was taken possession of by the "Speedwell," both agreeing that several had been drowned in consequence of the great quantity of water which had entered the hold after the Vessel had struck.

According to Lieutenant Bennett's statement, many of the unfortunate Negroes must have died for want of proper provisions and of water, without which they had been for some days. He states, that there were 238 on board, besides several dead bodies, when he first visited the "Orestes," of which number 4 were drowned in the surf in attempting to get from the wreck into one of the Boats; 2 died on a Key on which they had been landed, previously to their being conveyed on board the "Speedwell," which lay at a considerable distance; 10 of those who had been alive on the evening of the capture were found dead on board the "Orestes" on the following morning; 10 died on board the "Speedwell," and 212 were handed over to the Person appointed by the Captain-General to receive them. Certificates of the deaths were presented to the Mixed Commission by Lieutenant Bennett.

In the 3 last Cases that have been decided by the Court, M. Pinillos has acted as Spanish Commissary Judge, and we have great satisfaction in stating, that, throughout the whole of the proceedings, he has manifested the same conciliatory disposition, and the same desire to act up to the spirit of the Treaty, which had in all the previous Cases, as has been reported to you, uniformly marked the conduct of the Spanish Members of this Mixed Commission.

By a Memorandum, endorsed on the Papers of the "Orestes," it appears that she had been visited by one of His Majesty's Cruizers on the Coast of Africa. Similar Memorandums have been found upon the Papers of other Vessels condemned by the Mixed Commission; and we have reason to believe that many, perhaps the greater number, of the Slave Vessels that land their Cargoes on the Coasts of this Island, have been boarded by Boats belonging to British Ships-of-War on the Coast of Africa, but were not detained, as they had not Negroes actually on board at the time, although there could be no doubt that their sole object in being there was to engage in the Slave-trade. It is the practice of those Vessels to wait till their Cargoes are ready, and then ship them at once and set sail immediately. The Mate of the "Orestes" stated, that her whole Cargo, amounting to 285, was shipped in 5 hours. It is obvious, therefore, that the greatest benefit would result from the adoption, by His Catholick Majesty, of an Article similar to the Additional Article of the 25th January 1823, to the Slave-trade Treaty between His Majesty and The King of The Netherlands; by which the Cruizers are authorized to detain, and the Mixed Commission to condemn, Vessels found under precisely the same circumstances, as the Spanish Vessels here referred to, which have so often been enabled to elude the vigilance of His Majesty's Vessels-of-War.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.  
W. S. MACLEAY.

The Right Hon. George Canning,  
&c. &c. &c.

#### First Enclosure in No. 66.

#### *Extract of the Evidence in the Case of the Brigantine "Orestes."*

LIEUT. BENNETT stated, in his Affidavit, and in his Declaration of the state of the Prize at the time of the capture, that he found the Brigantine "Orestes," on the 5th of March, aground in Latitude 23. 40. North, and Longitude 77. 20. West, off the Grass-Cut Keys, on the Great Bahama Bank, with 232 Negroes on board, the Crew having landed on one of the Keys; that the Negroes were in a very exhausted state, having been left several days without water, and that many had died; that the Master, who, with the rest of the Crew, was on one of the Keys, delivered up to him 6 Papers, which were produced, and proved to be the regular Ship's Papers issued at this Port of Havannah in the Month of July 1825; that finding it impossible to get the "Orestes" off the Reef, he took the Negroes out and put them on board the Schooner under his command, together with the Master of the "Orestes," Don Joze Ramon Mutio, (who died shortly after), the Mate and a Passenger; and that the very crowded state of his Schooner precluding the possibility of receiving on board the remainder of the Crew (30 Individuals), he left them on the Key on which he found them, supplying them with a sufficient quantity of provisions and water.

Charles Pourrally deposed, that he was a Native of France, and engaged in Commerce; that he knew the Brigantine "Orestes," having sailed in her as a passenger; that the Captain was D. Joze Ramon Mutio, who died lately, but that he is not aware who the Owner was; that, on the 9th of January last, he sailed in her from Ayudo, on the Coast of Africa, without any other extraordinary occurrence happening, except that of having been chased by two English Schooners, until the 28th of February, when the "Orestes" grounded near Grass-Keys, being then out of sight of the Schooners; that they remained in this situation two days, at the expiration of which they formed a Raft, on which all the white People on board were conveyed to one of the Keys, the Negroes being left in the Vessel; that three days after, an English Schooner of War appeared in sight, the Commander of which came in his Boat to where the Crew was, and having learnt what had happened, and having received from the Master, Mutio, certain Papers, transferred the Negroes on board his Schooner, together with the said Master, the Mate, and the Deponent, and brought them into this Port of Havannah, the Master having died the day after the capture; that 284 Negroes were taken on board on the Coast of Africa, of which number 22 died previous to the Vessel grounding; but that he could not say how many there were at the time of the capture, several having been drowned in the hold, in consequence of the great quantity of water which entered after that misfortune; that the "Orestes" had no other Cargo but the Negroes; that the Papers which were given up by the Master were the regular Ship's Papers, and upon their being shewn to the Witness he immediately recognized them.

Salvador Estolt deposed, that he was a Native of Catalonia, that he was Mate of the Brigantine "Orestes," of which the late D. Joze Ramon Mutio, was Master, and D. Ventura Zagonera, Owner, as this Deponent infers from his being the Person who dispatched her in this Port; that he entered on board the said Vessel, as Second Mate, on the 16th of July 1825, and that on the 20th of the same Month, she set sail from this Port of Havannah for the Coast of Africa, where they arrived without accident towards the close of September; that they remained in the Road of

Ayudo until the 10th of January last, on which 285 slaves were embarked on board the "Orestes," with which they immediately set sail for this Island; that no accident happened during the Voyage until the 28th of February, when, after having been chased for two days by two English Schooners, from which they had escaped, the Vessel grounded near Grass Keys, on the Bahama Bank; that they remained there without leaving her for two days, at the end of which they made a Raft, on which the whole Crew proceeded to a neighbouring Key, leaving the Cargo of Negroes on board; that three days after an English Schooner of War appeared in sight, the Commander of which came to the Key on which they were, in his Boat, and having been informed of what had happened, he transferred the Cargo of Negroes, the Captain of the "Orestes," D. Joze Itamon Mutio, a Passenger, Don Carlos, whose Surname he does not know, and this Deponent, on board his Schooner, and set sail for the Port of Havannah, the said Mutio having died one or two days after the Capture; that during the Voyage, up to the day on which the Vessel ran aground, 25 Negroes had died; and that Deponent heard that several others had been drowned in the hold, the number of which he did not learn, and that consequently he could not say exactly how many there were at the time of the Capture; that the "Orestes" had no other Cargo but the Negroes; that she had not been brought into this Port, because it was impossible to get her off from the place where she was aground; that the Ship's Papers were delivered up to the English Commander; and those presented to the Court by the latter having been shewn to him, he immediately recognized them and said that they belonged to the "Orestes."

## Second Enclosure in No. 66.

(Translation.)

*Sentence of the Mixed Commission in the Case of the Brigantine "Orestes."*

THE merits of this Cause having been taken into consideration, it is declared to be a good and lawful Prize, that made by the English Schooner-of-War "Speedwell," commanded by James C. Bennett, Esq. Lieutenant of the Royal Navy of His Britannick Majesty, of the Spanish Brigantine named the "Orestes," with a Cargo of 238 African Negroes, according to the Certificate of the Captor, relative to the state of the Vessel at the time of the capture; respecting which number the two Individuals belonging to the Crew of the "Orestes," who have been examined, have not been able to afford any information, as they say that they do not know how many were drowned in the hold, in consequence of the great quantity of water which entered when aground, as she was upon Grass-Cut Keys, on the Bahama Bank, where the said Vessel was abandoned, it having been found impossible to get her off and set her afloat. The Negroes are consequently declared to be free from all slavery and captivity, to the number of 212, to which the Cargo has been reduced, and which are already disembarked by order of his Excellency the Captain-General, under the charge of Don Felipe Rodriguez, and are placed in one of the Barracones outside the walls of this City, 26 having died subsequently to the capture, as appears by the Report made by the aforesaid Captor to the Mixed Commission, and annexed to the other Documents belonging to this Cause. Let the proper Certificate of Emancipation be given to them by the Deputy Secretary, who is named for that purpose; and with respect to the said Brigantine "Orestes," which remained aground on the Key where she was found, it is declared from this moment, that if she or any part of her be saved, the same is subject and liable to confiscation, in order that, being sold at publick auction, the proceeds may be applied to the benefit of the two Governments, observing, in that case, the necessary formalities for this purpose; and let a Certified Copy of this Sentence, with a proper Official Letter, be addressed to his Excellency the Captain-General, in order that he may be apprized of the same, which is likewise to be notified to the Captor.

(Signed) CLAUDIO MARTINEZ DE PINILLOS.  
H. T. KILBEE.  
RAFAEL GONZALEZ, Deputy Secretary

Havannah, March 15, 1826.

## No. 67.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received May 21.)*

SIR,

Havannah, March 11, 1826.

WE have the honour to inform you, that Captain Hobson, of His Majesty's Sloop "Ferrett," brought into this Port, on the 15th ultimo, the Spanish Schooner "Fingal," which he had detained on the 3d, with a Cargo of 58 Negroes.

Sentence of Condemnation was pronounced by the Mixed Commission on the 20th ultimo.

The Schooner "Fingal," of which Don Dionisio Urquijo was Master and ostensible Owner, sailed from this Port on the 1st of February 1825, for the Island of St. Thomas, on the Coast of Africa; where, however, she did not touch, but proceeded to Cape Mount on the Continent. She remained there for several Months, and, at length, set sail on her return to this Island, on the



1st January of the present Year. The Master and two of the Crew, who were examined, stated, that the Schooner did not take on board any Negroes on the Coast of Africa, but that, 17 days after their departure, they fell in with a French Brig, which obliged them to receive on board 61. In relating this improbable story, the Witnesses differed in some not immaterial points, but it is rendered altogether unworthy of belief by the fact, that in the Log-book there is a Note inserted (which, though attempted to be blotted out, is plainly visible) of the death of a Negro on a day prior to that on which the Brig was said to have been fallen in with; and also by the total omission in the Log-book, in which, however, many other Vessels are stated to have been seen, of all mention of any such Brig, the meeting with which, it was peculiarly the interest of the Master to have noted down in the most explicit terms, as upon it he pretended to found his justification for the violation of the Laws of his Country in having Negroes on board his Vessel. No other event of importance is said to have happened in the Voyage until she ran aground near Salt Key; two days after which she was taken possession of by the Boats of His Majesty's Sloop "Ferrett," the Negroes having been previously landed on a small neighbouring Key, but as they were placed under the charge of 3 of the Crew, and were fully admitted by the Master and the other Witnesses, to belong to the Vessel, and to have been removed for the purpose of concealment from the English, the Court, without hesitation, came to a Decision that the Vessel should be condemned and the Slaves emancipated.

We have the honour to enclose an Abstract of the Evidence, and a Translation of the Sentence of the Court.

The "Fingal" was not reported to you among the Departures for the Coast of Africa last Year, because, in the daily lists published in the Newspapers, she was stated to have sailed for New Orleans.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

*The Right Hon. George Canning,*  
 &c.                      &c.                      &c.

#### First Enclosure in No. 67.

#### *Abstract of the Evidence in the Case of the Spanish Schooner "Fingal."*

CAPTAIN HOBSON stated, in his Affidavit, and in his Declaration, of the state of the Prize at the time of the capture, that he had detained this Schooner on the 3d of February, in Latitude 22. 12. North, and Longitude 75. 46. West, with 58 Negroes on board, exclusive of a female infant that was born the day after the capture, and lived only a few days; that he found the Schooner aground and the Negroes on shore on a small uninhabited Key, in the charge of 3 of the Crew, the Officer who went on board having been conducted to the place of their concealment by the Master, who fully admitted them to be his Cargo; and that he received from the said Officer, and now produced, 5 Documents which were delivered up by the Master, and which proved to be the regular Ship's Papers, issued at this Port of Havannah in the Month of January 1825, and authorizing the "Relampago" to proceed to the Island of Saint Thomas, on the Coast of Africa, for the purpose of trading in articles of lawful Commerce, but expressly prohibiting her from engaging in the Slave-trade.

Dionisio Urquijo deposed, that he was a Native of Bilbao; that he was Master and Owner of the Schooner "Fingal," in which he sailed from the Port of Havannah, on the 1st February 1825, for the Island of Saint Thomas, for the purpose of engaging in Lawful Commerce, but that he never touched at it, having, when in sight thereof, been informed, by a Portuguese Vessel, that he would not find any of the articles of which he was in want; that consequently he proceeded to the Coast of Africa, and in the vicinity of Cabomonte, he contracted with the Negroes of the Country the exchange of his Cargo for palm-oil, logwood, rice, and ivory, which articles were never delivered to him, although he waited for them for the period of eight Months and a half, with the exception of a small quantity of logwood, with which he determined to return, with the loss of almost the whole of his Cargo, which he had previously handed over to the said Negroes; that he accordingly set sail for this Port on the 1st January of this Year, and 17 days after his departure he fell in with a French Brig laden with slaves, the Captain of which, after asking for some provisions, which could not be afforded to him, sent on board the Schooner 61 Negroes, which the Deponent, from motives of humanity, could not avoid receiving, being told that if he did not, they would be thrown into the Sea; that the French Brig then departed, having previously

thrown overboard a swivel gun and various other arms that were in the Schooner; that the Deponent continued his voyage with the Negroes and ran aground near Salt Key on the 1st or 2d of February, and that on the 3d, 3 boats of an English Brig-of-War, which was in sight, approached, when the Negroes were landed on a small neighbouring Key for the purpose of concealing them from the English, and also of lightening the Vessel, 3 of the Crew being left in charge of them; that upon the arrival of the English boats they discovered the Negroes, and again brought them on board the Schooner of which they took possession, and ultimately brought her into the Port of Havannah; that the Negroes at the time of the capture amounted to 58, and that his intention was to bring them to Havannah and relate what had happened with the French Brig; that there was no other cargo on board at the time of the capture, and that the Papers which he delivered up were the only ones he had on board.

Florencio Sugasti, a Native of Biscay, deposed, that Dionisio Urquijo was Master of the Schooner "Fingal," but that he did not know who was the Owner; that the Deponent belonged to the Spanish Schooner "Clara," which was wrecked on the Coast of Africa, when he and 5 others of the Crew requested to be received on board the "Fingal" as passengers, and that during the voyage he acted as Mate, but without any pay whatever.

That about the 31st of December last, they set sail from the Coast of Africa, with a small cargo of palm-oil and logwood, and 17 or 18 days after they fell in with a French Brig, laden with slaves, the Captain of which asked for a little rice, which was refused, and then forcibly put on board 61 Negroes, and went away, after throwing over-board the gun and some small arms that were in the "Fingal;" that they continued their voyage, and on the 1st or 2d of February, ran a-ground near Salt Key, 2 days after which 3 English armed Boats, belonging to a Brig-of-War in sight, appeared, when the Negroes were landed upon one of the small Keys, in order to conceal them from the English, and to lighten the Vessel, but were shortly after discovered upon the arrival of the Boats, by which they were again embarked on board the Schooner, of which the English took possession, and ultimately brought her into the Port of Havannah; that the number of the Negroes at the time of the capture was 58, 3 of the 61 having died during the voyage, and that there was no other cargo on board the Schooner at the time of the capture, the logwood having been thrown overboard when she grounded.

Benito Vasquez, a Native of Malaga, deposed, that Dionisio Urquijo, was Master of the Schooner "Fingal," and that he did not know the Owner; that he was received on board her, on the Coast of Africa, as a passenger, but that the Boatswain having been drowned he acted during the voyage in his place; that after he had been on board her about 3 Months they set sail on the 1st of January of the present Year, with a Cargo of logwood; that 17 days after they fell in with a French Brig laden with slaves, of which 61 were put on board the Schooner, the French Captain saying, that he had not provisions enough for them; that the latter then left them, first taking on board his Brig a swivel gun and other arms belonging to the "Fingal;" that this Schooner continued her voyage, and ran a-ground on some Keys, near the Coast of the Island of Cuba, 2 days after which 3 English armed Boats came up, and again put on board the Schooner the Negroes who had been landed on one of the Keys, for the purpose of lightening her; that the English then took possession of the Vessel, and brought her to the Port of Havannah; that at the time of the capture 58 of the Negroes were alive, 3 having died during the Voyage, and that there was no other cargo on board, the logwood having been thrown into the Sea to lighten the Vessel.

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Second Enclosure in No. 67.

(Translation)

*Sentence of the Mixed Commission in the Case of the Schooner "Fingal."*

THE merits of this Cause having been taken into consideration, and particularly it being observed, that it is noted down in the Log-Book on the 16th of January, a date prior to that when the Master, and the two other Individuals who have been examined, assert that the 61 Negroes were received from a French Brig, that a full grown Negro had died; this being clearly and distinctly visible, notwithstanding the attempt made to blot out the circumstance, by drawing several strokes of a pen across it, as was also done in the case of two other Negroes who died subsequently, and no mention whatever being made throughout the whole Log-book, of having fallen in with the aforesaid French Brig, as is done with other Vessels that were seen on different days, it is hereby declared to be good and lawful Prize, that made by His Britannick Majesty's Brig "Ferrett," William Hobson, Esq. Commander, of the Spanish Merchant Schooner named "Fingal," D. Dionisio Urquijo, Master, with a cargo of 58 African Negroes, viz: 41 males and 17 females, one of the latter having been delivered of a female infant the day after the capture; and that the said Schooner, her tackle, apparel, and whatever may be contained therein, are subject and liable to confiscation, with the exception of the aforesaid Negroes, who are declared to be free from all slavery and captivity. With respect to the condemned Vessel, and whatever belongs to her, let a valuation be made thereof by the Principal Masters of this Royal Arsenal, who shall swear faithfully to perform this duty, in order that the same may be exposed to publick auction for the term required by Law, and be disposed of to the highest bidder, at the Auction Room of Don Antonio Galea, before the Notary, D. Joze Rafael de Meza, the proceeds being for the benefit of the two Governments, and let the said Vessel be for the present placed in deposit with D. Jayme Andreu, who shall likewise take the proper Oath, receiving the same by formal inventory; and with respect to the Negroes, let their Certificate of Emancipation be given to them by the Deputy Secretary, who is

hereby appointed to perform that duty, for which purpose let an Official Letter be addressed to his Excellency the Captain-General, requesting him to be pleased to name a Person in whom he has confidence, to receive and take charge of them, until his Excellency shall dispose of them as he may think proper, in conformity with the letter and spirit of the Treaty; and when his Excellency shall have selected the said Person, it shall be notified to the Captor to deliver the Negroes up to him, and the Schooner to the Depositary, communicating to him now a certified Copy of this Sentence, of which the Master, D. Dionisio Urquijo, shall also be apprized.

(Signed)

CLAUDIO MARTINEZ DE PINILLOS.

H. T. KILBEE.

RAFAEL GONZALES, Deputy Secretary.

Havannah, February 20, 1826.

### No. 68.

*His Majesty's Commissioners to Mr. Secretary Canning.--(Received May 21.)*

SIR,

Havannah, March 11, 1826.

ON the 26th ult. the Spanish Brig "*Currutaco*," D. Juan Coll, and the Schooner "*Escudera*," D. Juan Tornella, Master, sailed from hence, the former for St. Thomas, and the latter for Princes Island, on the Coast of Africa.

We have heard that the French Frigate "*Antigone*" has captured a Slave-vessel of the same Nation, with upwards of 100 Negroes on board, not far from Santiago de Cuba. We have the honour to be, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

*The Right Hon. George Canning,*  
 &c.      &c.      &c.

### No. 69.

*His Majesty's Commissioners to Mr. Secretary Canning.—*  
*(Received June 12.)*

SIR,

Havannah, April 15, 1826.

WE have the honour to enclose a Translation of a Letter addressed by the Captain-General to the Mixed Commission, and of the Reply of the latter, upon the subject of a Royal Order, issued by His Catholic Majesty, for the more effectual suppression of the illicit Slave-trade, carried on with this Island, which has been published in the Official Journal.

In this Royal Order, it is expressly stated, that The King has adopted Additional Measures, in consequence of the remonstrances of the British Minister at Madrid, although He himself does not consider those already taken to be inadequate to their object. It is directed that every Vessel from the Coast of Africa, shall, upon her arrival, deliver up her Log-book to be examined; and should there be any reason to suspect her of having been engaged in the Slave-trade, that the Captain-General, who alone is to take cognizance of such Causes, shall proceed to the investigation of the Case, and the punishment of the Delinquents. Persons of all classes are authorized to denounce Transactions of illicit Slave-trade, but no reward is offered to the Informer, unless he be a Slave, in which case he instantly becomes free; the Purchaser of illegally imported Negroes being subject to a fine of 200 dollars for each. The Clergy are directed to impress upon their Flocks that the carrying on the Slave-trade, since it has been prohibited by The King, is a moral offence. Those Negroes hereafter imported, who shall denounce the Vessel in which they have come, are declared to be entitled to their liberty, but not those illegally introduced, up to the present period.

And finally, it is ordered, that these measures shall not be carried into effect until after the Royal Order shall be published.

The strong incitement held out to Slaves to denounce transactions of illicit Slave-trade has created universal alarm and dissatisfaction here; and should Informers of that class receive encouragement and protection from the Tribunals of the Island, little doubt can be entertained that this measure will afford an effectual check to the Traffick.

We have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed)

HENRY T. KILBEE.  
W. S. MACLEAY.

First Enclosure in No. 69.

(Translation)

*The Captain-General to the Mixed Commission.*

MOST EXCELLENT SIR, AND GENTLEMEN,

Havannah, April 11, 1826.

UNDER date the 2d of January of this Year, his Excellency the Duke del Infantado, First Secretary of State, writes to me as follows:—

ROYAL ORDER.

MOST EXCELLENT SIR,

Madrid, 2d January 1826.

HIS Britannick Majesty's Minister here having remonstrated against the fraudulent Importation of Negroes into the Island of Cuba, in manifest violation of the Treaty of 1817, in the exact fulfilment of which the English Nation and Government have always taken so much interest, Our Lord the King could not do less than take this matter into consideration, for the more prudent determination of which he has not only consulted the Council of Indies and the Junta of His Ministers, but he has also acquired information from Persons in whose knowledge upon the subject he has reliance; and after maturely examining the several arguments and measures which have been proposed to him, he has been pleased to adopt those, which, in his high consideration, he has esteemed best adapted for securing more effectually the suppression of this illicit Traffick, although he does not believe to be insufficient the measures already taken and prescribed in the different Orders issued to the Authorities of that Island during the whole period that has elapsed from the conclusion of the above-mentioned Treaty of 1817, to this date.

Our Lord the King has accordingly resolved, that every Vessel proceeding from the Coast of Africa shall, immediately upon her arrival at the Ports of the Island of Cuba, deliver up her Log-book to the Naval Commandant, in order that he may examine it, and should there be any reason to suspect that the Vessel has brought and clandestinely landed Negroes, that he may instantly report the same to your Excellency, to the end that you may proceed to the proper investigation and punishment, in conformity to the Laws in force relating to the subject, it being well understood that, to your Excellency alone, with the advice of your Assessor, belongs the cognizance of such Causes; His Majesty, moreover, declaring, that any Person, of whatever class he may be, may denounce the Negroes who shall be received by smuggling, and, should the informer be a slave, that, in the very act he becomes free, the Purchaser being fined 200 dollars for each of the slaves he shall have acquired. His Majesty has likewise resolved, that the Very Reverend the Archbishop of Cuba, and the Reverend the Bishop of Havannah, shall impress upon the Rectors and those belonging to their respective Dioceses, that from the moment His Majesty was pleased to prohibit the Traffick in Negroes, its continuation in any manner whatever was no longer permitted in conscience, a real robbery being committed by those who should acquire any of them fraudulently; for which purpose, I write under this day's date, to the Minister of Grace and Justice, in order that he may give the necessary directions for the fulfilment of the same to the said Reverend Prelates.

His Majesty has also determined that those Negroes shall obtain their liberty, who shall denounce the Vessel in which they themselves may have come, subsequently to the order which your Excellency shall publish to this effect, but not those imported into the Island prior to its publication.

By Royal Order I transmit all this to your Excellency, for your information, and that of the Mixed Commission, and that you may communicate it to those whom it may concern, in order that this Sovereign Resolution may be carried fully into effect, as well by your Excellency as by the other Authorities of the Island, but your Excellency will not permit these measures to be put into execution until after that Resolution shall be published.

(Signed)

EL DUQUE DEL INFANTADO.

I transmit the above to you for your information, apprizing you, at the same time, that I communicate it to those whom it may concern, for the fulfilment of the same.

God preserve, &c.

(Signed)

FRANCISCO DIONISIO VIVES.

*His Excellency the Intendant, and the other Members  
of the Mixed Commission.*

Second Enclosure in No. 69.

(Translation.)

*The Mixed Commission to the Captain-General.*

MOST EXCELLENT SIR,

Havannah, April 13, 1826.

THE Mixed Commission has received your Excellency's Official Letter of the 11th instant, in which is inserted the Royal Order of the 2d of January of this Year, by which His Majesty has been pleased to adopt the measures which he has deemed just and proper for the suppression of the illicit Traffick in African Negroes, in violation of the Treaty relating to this subject, of which Sovereign Resolution this Mixed Commission is duly apprized, observing in it all the interest His Majesty takes in attaining the object of that Treaty.

God preserve, &amp;c.

(Signed)

H. T. KILBEE.  
W. S. MACLEAY  
C. M. DE PINILLOS.  
R. DE QUESADA.

*His Excellency The Captain-General.*

## No. 70.

*His Majesty's Commissioners to Mr. Secretary Canning.--(Received June 12.)*

SIR,

Havannah April 16, 1826.

WE have the honour to inform you, that, on the 2d instant, the Spanish Schooner "*Minerva*," Manuel Fernandez, Master, and on the 14th, the Spanish Schooner "*Dolorita*," Joaquin Aureycochea, Master, sailed from this Port for the Coast of Africa.

We have the honour to be, &amp;c.

(Signed)

HENRY T. KILBEE.  
W. S. MACLEAY.

*The Right Hon. George Canning,*  
    &c.           &c.           &c.

## No. 71.

*His Majesty's Commissioners to Mr. Secretary Canning.--(Received June 24.)*

SIR,

Havannah April 30, 1826.

ON the 24th instant, the Spanish Schooner "*Jacinta*," Don Francisco Prieto, Master, sailed from this Port for the Coast of Africa.

Since the date of our Despatch of the 22d of February, we have not heard of the arrival on the Coasts of this Island of any Vessel with Slaves.

We have the honour to be, &amp;c.

(Signed)

HENRY T. KILBEE.  
W. S. MACLEAY.

*The Right Hon. George Canning,*  
    &c.           &c.           &c.

## No. 72.

*His Majesty's Commissioners to Mr. Secretary Canning.--(Received June 24.)*

SIR,

Havannah, May 2, 1826.

WE have the honour to acknowledge the Receipt of your Despatch of the 31st January last, in which you have been pleased to transmit to us Copies

of a Correspondence with His Majesty's Envoy at Madrid, upon the Subject of the Orders which His Catholick Majesty has recently addressed to the Captain-General of Cuba, for the more effectual execution of the Treaties between Great Britain and Spain, for the Abolition of the Traffick in Slaves.

In our Despatch of the 15th ultimo, we had the honour of forwarding to you the Communication made by the Captain-General to the Mixed Commission upon the same Subject, together with a Translation of the Royal Order which has been published here.

We have the honour to be, &c.

(Signed)

HENRY T. KILBEE.  
W. S. MACLEAY.

*The Right Hon. George Canning,*  
&c. &c. &c.

### No. 73.

*His Majesty's Commissioners to Mr. Secretary Canning.--(Received June 24.)*

SIR,

*Havannah, May 2, 1826.*

WE had yesterday the honour of receiving your Despatch of the 23d of February last, relative to the reported re-capture, by a Spanish Brig, which had arrived at Cuba, of 2 Slave Vessels, previously detained by a British Cruizer on the Coast of Africa.

No time shall be lost in making the enquiries which you direct, into the truth of this transaction; but we think it right to apprise you, that some delay will in all probability occur, the communication between this Place and Cuba being slow and unfrequent.

In our Despatch of the 18th of January last, we had the honour of transmitting to you a Communication, which we had received from the French Consul General, upon the subject of the above-mentioned re-capture.

We have the honour to be, &c.

(Signed)

HENRY T. KILBEE.  
W. S. MACLEAY.

*The Right Hon. George Canning,*  
&c. &c. &c.

### No. 74.

*His Majesty's Commissioners to Mr. Secretary Canning.--(Received July 14.)*

SIR,

*Havannah, May, 31, 1826.*

ON the 30th instant the Spanish Brig "*Breves*," (formerly the "*Conquistador*," an old and notorious Slave-trader) sailed from this Port for the Coast of Africa.

On the 27th instant the Spanish Schooner "*Teagencs*," arrived here in ballast.

In our Despatch of the 22d of February of this Year, it was stated that a report prevailed, that this Vessel had landed a Cargo of Negroes on the South side of the island, which report proves to be correct; and we have learned, that since the disembarkation, she has been employed by the Government in conveying Troops from Batabano, where they had proceeded by Land from Havannah, to Trinidad de la Isla.

We have heard that the Spanish Schooner "*Iris*," which sailed for the Coast of Africa in November 1825, has lately landed a Cargo of Negroes at Puerto Escondido, to the Westward of Matanzas. The Vessel, however, has

not arrived here, and it is even said, that she has been destroyed by her Crew to avoid detection : a report has been prevalent here, that she has had an action with one of His Majesty's Schooners, which she had beaten off.

We have the honour to be, &c.

(Signed) HENRY T. KILBEE.  
W. S. MACLEAY.  
*The Right Hon. George Canning,*  
    &c.      &c.      &c.

No. 75.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 14.)*

SIR,

*Havannah, June 14, 1826.*

HAVING learned from good authority that the Matanzas Steam Vessel "Neptune," which arrived here on the Evening of the 5th ultimo, had brought upwards of 100 Negroes, whom she had received on board at a small Port to the Westward of Matanzas, called Puerto Escondido, and who, probably, belonged to the Cargo of the "Iris," mentioned in our last Despatch ; we resolved to lose no time in calling the attention of the Captain-General to this matter, and accordingly, on the Morning of the 6th, we apprised him of the circumstance, and endeavoured to impress upon him, that it was particularly incumbent upon this Government, to make an example of the perpetrators of this scandalous violation of our Treaty, committed so shortly after the publication of His Catholick Majesty's Royal Order of January last, as, if they were allowed to escape with impunity, that Royal Order, would, like those previously issued on the same Subject, be considered as a mere dead letter.

His Excellency replied, that the Naval Department had not reported to him any such arrival of Negroes, but that he would immediately write to the Commandant of the Naval Forces, and direct him to investigate the Case. In subsequent conversations he stated, that he had not yet received any Answer, but on the 1st instant he transmitted a Letter, of which a Translation is enclosed, to His Majesty's Commissary Judge, communicating the result of the investigation made by the Naval Department; according to which it appears "that there was not the slightest ground for even a remote suspicion that the Steam Vessel had on board the Negroes referred to."

On the 7th instant another Letter was received from the Captain-General, in which was inserted the Report of the Auditor of War, respecting that Investigation, merely recommending that a Statement of the Case should be laid before His Catholick Majesty, lest intelligence of a different tenour should reach him through another channel.

Notwithstanding the result of the Investigation undertaken by the Naval Department, it is perfectly notorious that the Negroes were brought in the Steam Vessel, as stated in the foregoing part of this Despatch : several highly respectable Foreigners came passengers in her; and though none of them will venture to incur general odium, and perhaps some danger, by coming forward to give information upon the Subject, we have the most undoubted authority for assuring you that the fact is as we have related.

We have the honour to be, &c.

(Signed) HENRY T. KILBEE.  
W. S. MACLEAY.  
*The Right Hon. George Canning,*  
    &c.      &c.      &c.

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First Enclosure in No. 75.

(Translation)

*The Captain-General to the British Commissary Judge.*

SIR

Havannah, June 1, 1826.

THE Commandant-General of the Naval Forces on this Station has transmitted to me, in an Official Letter, dated yesterday, the Proceedings adopted in consequence of the information which you gave me, and which I immediately communicated to him, respecting the denunciation of the Steam Vessel "Neptune" having introduced into this Port a number of "bozal" Negroes, brought from the Coast of Africa.

From the Declarations in the said Proceedings no such fact results, as will be seen by the Extract of the Decision upon those Proceedings, which I forward to you; but I transmit the same, notwithstanding, under this day's date, to the Auditor of War for his opinion; and I state this for your information, and will communicate to you the result in due time.

God preserve, &amp;c.

(Signed)

FRANCISCO DIONISIO VIVES.

H. T. Kilbee, Esq.

First Enclosure (A.) in No. 75.

(Translation.)

*Result of the Investigation made by the Naval Department.*

(Extract.)

Havannah, May 13, 1826.

BY the Declarations received in this Cause, to the number of eleven, from the Master and Sailors of the Steam-Vessel "Neptune," the Passengers who were conveyed in the same from Matanzas to this Port, and the Custom-House Officers who searched her, it appears that on the 5th instant they sailed from the former for this Port, with a cargo of produce of the Country, none of the said Declarations affording the slightest ground for even a remote suspicion that the Steam-Vessel had on board the Negroes referred to in the Denunciation, arising apparently from an involuntary mistake, which has occasioned these Proceedings.

It has likewise been proved, in the most explicit and direct manner, that the said Steam-Vessel did not touch at any of the intermediate Ports on the Coast, neither did she communicate with any other Vessel, whence the disembarkation, or transfer to another Vessel, of the Slaves might be presumed.

Conceiving, therefore, that the mistaken impression under which the aforesaid Denunciation was made, is fully proved, and, consequently, no charge whatever resulting against the Master, Don Angel Bruzon, or any other Person, I am of opinion that Bruzon may be released from the arrest under which he has been placed, as well as the other Individuals of the Crew, who have likewise been detained, and that they shall be free to exercise their respective employments, since nothing has been proved against them that can injure their reputation, in which state of the Case I transmit the Proceedings to you that you may adopt the proper measures.

(Signed)

BARTOLOME MARQUES PACHECO.

*The Commandant of the Naval Forces.*

Second Enclosure in No. 75.

(Translation.)

*The Captain-General to the British Commissary Judge.*

SIR,

Havannah, June 7, 1826.

THE Auditor of War has, under date the 5th instant, made to me the following Report:—

" MOST EXCELLENT SIR,

" On the 6th of May, Mr. H. Kilbee, British Commissary Judge of the Mixed Commission, informed your Excellency, that he had been assured that upwards of 100 Negroes had arrived the day before in the Steam-Vessel from Matanzas; and, on the same day, your Excellency wrote to the Naval Department to proceed to the proper Investigation without delay. This was done; and, by the Declarations of the Crew, and of the Passengers who arrived in the Steam-Vessel, it is proved, to conviction, that no such Negroes came in her.

" As the Royal Order of the 2d of January of this Year commits to your Excellency alone the cognizance of these Causes, and the proceeding to investigation and punishment, conformably to the Laws in force upon the subject, you being consequently responsible for the observance of the same, and as the Remonstrance of His Britannick Majesty's Minister against the fraudulent importation of Negroes into this Island, gave rise to that Royal Order, and as the information upon which that Remonstrance was grounded was probably given by the British Commissary



Judge of the Mixed Commission, Mr. H. Kilbee, the same who communicated to your Excellency the fact respecting which this Investigation has taken place, the Auditor is of opinion that it is indispensably necessary that a Report be made to His Majesty upon the subject, lest any intelligence of a contrary tenour should reach him, and for his Sovereign information."

And having adopted this opinion, I transmit it to you, in continuation of what I stated to you upon the same subject in my Note of the 1st instant.

H. T. Kilbee, Esq.

God preserve, &c.  
(Signed)

FRAN<sup>o</sup>. DION<sup>o</sup>. VIVES.

### No. 76.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 14.)*

SIR,

*Havannah June 14, 1826.*

ON the 5th instant, the Spanish Brig "*Pepe*," Don José Gomez, Master, well armed, and with a Crew, as we have heard, of upwards of 80 men, sailed for the Coast of Africa.

The Spanish Schooner "*Carlota*," which sailed for that Coast on 20th July 1825, arrived here to-day in ballast, and is announced in the Newspapers as coming from Bahia de todos los Santos, in Brazil. There can be little doubt, however, that she is really from Africa, and that she has landed a Cargo of Negroes, but as there is somewhat more mystery observed with regard to these Transactions now than formerly, we have not been able to learn the number of the Cargo, or the Place of Disembarkation.

We purpose taking an early opportunity of calling the attention of the Captain-General to this Case. We have the honour to be, &c.

(Signed)

H. T. KILBEE.

*The Right Hon. George Canning,*  
&c. &c. &c.

W. S. MACLEAY.

### No. 77.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 31, 1826.*

I HAVE received your several Despatches up to the 14th of June last.

I approve of the unceasing watchfulness which you exercise in enquiring into, and reporting upon, the Undertakings in African Slave-trade from and to the Island of Cuba, Undertakings which, I am sorry to observe, from your Despatches, are not only as unremitting as ever, but are becoming still more undisguised, and continue in most instances unpunished, to the disgrace of the Island, and the apparent inefficiency of the Decrees of the Mother Country.

I enclose, for your information, the Copy of a Despatch which I have felt it proper to address, upon this occasion, to His Majesty's Envoy at Madrid.\*

I am, &c.

*His Majesty's Commissioners.*

(Signed)

GEORGE CANNING.

\* See Class B.

### No. 78.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received Sept. 6.)*

SIR,

*Havannah, June 28, 1826.*

WE had the honour of receiving, on the 23d instant, your Despatch of the 10th of March last, in which you have been pleased to communicate to us,

that the Additional Articles to the Treaty of 1817, which were signed under the Government of the Cortes of Spain, have received the sanction of His Catholic Majesty, and have been transmitted to the Authorities in Cuba.

These Articles, together with the Declarations signed at Madrid, on the 2d of February 1824, have lately been communicated by the Captain-General to the Mixed Commission.

We have the honour to be, &c.

*The Right Hon. George Canning,*  
&c.                      &c.                      &c.  
(Signed)              HENRY T. KILBEE.  
W. S. MACLEAY.

## No. 79.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received Sept. 6.)*

SIR,

*Havannah, June 30, 1826.*

WE have the honour to enclose Copies of the Register\* of the Slaves Emancipated by Decrees of the Mixed Commission, since the date of Mr. Kilbee's Despatch of the 17th of December. They belonged to the Spanish Vessels "Magico," "Fingal," and "Orestes," and amount, in all, to 445.

We have the honour to be, &c.

*The Right Hon. George Canning,*  
&c.                      &c.                      &c.  
(Signed)              H. T. KILBEE.  
W. S. MACLEAY.

\* Magico 175.              Fingal 58.              Orestes 212.              Total 445.

## No. 80.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received Sept. 6.)*

SIR,

*Havannah, July 1, 1826.*

WE have the honour to forward to you, the Return required by the 75th Section, 5 Geo. 4, Cap. 113.

We have the honour to be, &c.

*The Right Hon. George Canning,*  
&c.                      &c.                      &c.  
(Signed)              HENRY T. KILBEE.  
W. S. MACLEAY.

## Enclosure in No. 80.

*Half-Yearly Return of Cases Adjudicated by the Mixed Commission at the Havannah.*

Date of Seizure.	Property Seized.	SEIZOR.	Date of Sentence.	Desertal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted, or remains un-sold, and in whose hands the Proceeds remain.
January 22, 1826	{ Spanish Brigantine "Magico," with 179 Negroes, but no other Cargo.	{ Lieutenant A. B. Lowe, commanding His Britannick Majesty's Schooner "Union "	January 31, 1826	Forfeiture. . . . .	{ The Vessel, tackle, &c. have been sold, nothing remaining un-sold. The British moiety of the proceeds has been remitted to His Majesty's Secretary of State for Foreign Affairs.
February 3, —	{ Spanish Schooner "Fingal," with 58 Negroes, but no other Cargo,	{ Captain Hobson, commanding His Britannick Majesty's Sloop "Ferret "	February 20, —	Forfeiture. . . . .	Ditto ditto ditto.
March 5, —	{ Spanish Brigantine "Orestes," with 238 Negroes on board.	{ Lieutenant Bennett, commanding His Britannick Majesty's Schooner "Speedwell "	March 15, —	Forfeiture. . . . .	{ The Vessel was found on Shore, and could not be got off. The Negroes alone were brought to The Havannah in the "Speedwell."

(Signed) H. T. KILBEE.  
W. S. MACLEAY.*Havannah, July 1, 1826.*

No. 81.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received Sept. 6.)*

SIR,

*Havannah, July 3, 1826.*

AS we stated in our Despatch of the 14th of June, we took an early opportunity of calling the attention of the Captain-General to the Case of the Spanish Schooner "*Carlota*," which sailed for the Coast of Africa in the Month of July 1825, and returned in ballast on the 14th Ultimo, being announced to have come from Bahia de todos Santos, although no doubt existed that she was really from the Coast of Africa direct, and had landed a Cargo of Slaves previously to her entering this Harbour.

We stated to his Excellency, that this was one of those Cases, of which so many had formerly been submitted to his consideration, of Vessels which are well known to have come from the Coast of Africa with Negroes, reporting false Places of departure; we put into his hands the Newspapers in which the departure and arrival of the Vessel were announced, and we expressed our regret at having to report this Case to our Government, so shortly after the publication of the late Royal Order of His Catholick Majesty, issued expressly for the more effectual suppression of the Slave-trade.

The Captain-General replied, that that Royal Order committed the examination of Vessels coming from the Coast of Africa exclusively to the Naval Department, from which he had received no Communication whatever respecting the "*Carlota*;" and he recommended, that we should address a Note to him upon the subject, which he said he would transmit to that Department.

We accordingly forwarded to him the Note, of which a Copy is enclosed, and have received in Answer two Letters, of which Translations are also enclosed; in the first of which his Excellency apprizes us, that he had transmitted our Note to the Commandant of the Naval Forces; and in the second he inserts the Reply of the latter, stating that the Case should be investigated.

We have the honour to be, &c.

(Signed)

H. T. KILBEE.  
W. S. MACLEAY.

*The Right Hon. George Canning,*  
*&c. &c. &c.*

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First Enclosure in No. 81.

*The British Commissioners to the Captain-General.*

SIR,

*Havannah, June 22, 1826.*

IN compliance with your Excellency's desire, that we should state in writing what we mentioned to you yesterday verbally, we have the honour to apprise you, that we have observed the arrival of the Spanish Schooner "*Carlota*," in ballast from Bahia de todos los Santos, announced in the "*Diario de la Havana*," of the 15th instant, which Vessel sailed from this Port for Princes Island, on the Coast of Africa, on the 20th July 1825, and we confidently venture to assert, that no serious doubt can be entertained, indeed that it is a matter of notoriety, that, like the numerous other Vessels which have entered this Port under similar circumstances, she has really come direct from that Coast, and had landed a Cargo of Negroes in some of the Out-Ports of this Island, previously to entering this Harbour.

It will be most painful for us to have to report to our Government, this fresh Case of the violation of our Treaty, so soon after the publication of His Catholick Majesty's Royal Order of the 24th of January last, which it was confidently expected, would serve effectually to put a stop to the extensive illicit Slave-trade which has been so long carried on with this Island.

We avail ourselves, &c.

(Signed)

H. T. KILBEE.  
W. S. MACLEAY.*His Excellency the Captain-General,*

Second Enclosure in No. 81.

(Translation.)

*The Captain-General to the British Commissioners.*

GENTLEMEN,

Havannah, June 23, 1826.

I HAVE written, under this day's date, to the Commandant of the Naval Forces on this Station, as follows:—

"I forward to you the Translation of a Note which Messrs. H. T. Kilbee and W. S. Macleay, have addressed to me, in which they state what they have observed respecting the arrival of the Spanish Schooner "*Carlota*," in ballast, proceeding from Bahia de todos Santos, as announced in the Diario of this City of the 15th instant, which I likewise enclose; which Vessel sailed from this Port for Princes Island, on the Coast of Africa, the 20th of July last Year; with the other matters to which those Gentlemen refer; enclosing also the Diario of the 21st of July of last Year, in order that, with all these before you, you may be pleased to direct the investigation of the Case, to determine what may be proper in conformity to the Treaty and Sovereign Orders upon the subject."

And I transmit this to you in reply to your aforesaid Note.

God preserve you many Years,

The British Commissioners.

(Signed) FRANC<sup>o</sup>. DION<sup>o</sup>. VIVES.

Third Enclosure in No. 81.

(Translation.)

*The Captain-General to the British Commissioners.*

GENTLEMEN,

Havannah, June 30, 1826.

THE Commandant of the Naval Forces on this Station, writes to me, under date the 28th instant, as follows:—

"Most Excellent Sir, An enquiry is now making into the circumstances, that may serve to shew the nature of the Voyage of the Spanish Schooner "*Carlota*," from the departure of the same from this Port on the 20th of July last Year, up to her return on the 14th instant, for the purpose of ascertaining whether there be any ground for suspecting that she has been engaged in the illicit Traffick in Slaves; and until I shall be enabled to communicate the result to your Excellency, I state this in immediate Reply to your Official Letter of the 23d instant, in which you enclose a Translation of that of Messrs. Kilbee and Macleay."

And I transmit the above to you, in Reply to your Letter of the 22d instant, as I shall do whatever else may be communicated to me upon the subject by the said Commandant.

God preserve, &c.

The British Commissioners.

(Signed) FRANC<sup>o</sup>. DION<sup>o</sup>. VIVES.

No. 82.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, September 11, 1826.

IN reference to my Despatch to you of the 31st July last, I send to you the accompanying Extract of a Despatch, dated the 18th ult., which I have received from His Majesty's Envoy at Madrid,\* on the subject of the Representation made by you, as to the evasion of the Order recently promulgated by His Catholick Majesty, for the more effectual Suppression of the Slave-trade in Cuba.

You will lose no opportunity of collecting and transmitting to me accurate information, and supporting it, where you can, by collateral, in the absence of any direct Evidence, of any facts whereupon His Majesty's Government might feel called upon to found Representations to the Government of Spain, as to the non-execution of the Treaty of 1817, and particularly on those points wherein the new Decree of The King of Spain shall appear to be illusory in its effect.

I am, &c.

His Majesty's Commissioners.

(Signed) GEORGE CANNING.

\* See Class B.

## No. 83.

*Henry T. Kilbee, Esq. to Joseph Planta, Jun. Esq.—(Received October 14.)*

SIR,

*Havannah, July 30, 1826.*

THE state of my health rendering it necessary, as you will perceive by the enclosed Certificate, that I should try the effects of a more moderate Climate, I beg leave to apprise you of my intention to avail myself of the leave of absence for two Months, granted to me in your Letters of the 13th February 1823, and the 6th February 1824, to proceed to The United States.

I did not avail myself of this permission at the time it was granted, principally on account of the absence of His Majesty's Commissioner of Arbitration, conceiving that the Publick Service would be likely to suffer from the absence of both the British Commissioners at the same moment. This objection now no longer exists, Mr. Macleay being upon the spot; and I purpose, therefore, leaving the Havannah by the first Vessel which shall sail for New York.

I trust that this short absence from my Post, for the restoration of my health, after a constant residence here of seven Years, will not be considered as precluding me from availing myself next Year of the permission to return to England, granted by Mr. Secretary Canning, and communicated to me in your Letter of the 10th December 1825.

I have the honour to be, &amp;c.

*Joseph Planta, Jun. Esq.*  
&c. &c. &c.

(Signed)

HENRY T. KILBEE.

Enclosure in No. 83.

*Medical Certificate.*

I, THE Undersigned, Practitioner of Medicine, do hereby certify, that H. Kilbee, Esq. is labouring under general debility, and obstinate hernia humoralis, occasioned by a long residence in this Climate; and I am of opinion that a change of Climate will alone be likely to effect the restoration of his health.

*Havannah, July 28, 1826.*

(Signed)

WILLIAM D. CLARK, M. D.

## No. 84.

*W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received October 14.)*

(Extract.)

*Havannah, September 2, 1826.*

IT is my painful duty to report to you an event, which I fear must tend to encourage the numerous Persons in this Island, who are engaged in the Traffick of Slaves, beyond all their former expectations.

On the Forenoon of the 16th ultimo, Captain Jackson, of His Majesty's Sloop "Pylades," being in company with His Majesty's Schooner "Magpie," under his Orders, chased a Vessel into this Port, which now proves to be the Spanish Schooner "*Minerva*," a Vessel that His Majesty's Commissioners had the honour of reporting to you in their Despatch of the 16th of April of this Year, as having sailed for the Coast of Africa, on the 3d of April last.

Being convinced that she was a regular Slave-trader, he sent in after her an Officer, with Orders to visit her, and then to report her arrival to the Captain-General and Commandant of the Naval Forces. Owing to the unfortunate circumstance of the two Lieutenants of the "Pylades" being at that moment on the Sick List, Captain Jackson was under the necessity of employing for this Service Acting Lieutenant Mr. Nott, who, on going on board the Vessel, found her occupied by a Spanish Officer and Guard.

Mr. Nott then reported her to the Flag Ship in Port, as a Slave-trader, and on requesting permission to search her, was referred to Commodore Laborde, then said to be at his House in Town. On calling at the Admiralty, he was

told to seek the Commodore at the Governor's, and not finding him at the Government-House, he reported the arrival of the "Minerva" to some of the Officers in attendance on the Captain-General, when one of them, apparently of rank, undertook to go immediately on board the suspicious Vessel, for the purpose of making enquiries into the truth of the statement. He would not, however, allow Mr. Nott to accompany him.

After the Spanish Officer had returned from his visit to the "Minerva," and had communicated with the Captain-General, he gave Mr. Nott to understand that His Excellency did not feel himself authorised to submit any information respecting her to Captain Jackson, until the Vessel had been officially reported to him by Commodore Laborde; Mr. Nott accordingly called a second time at the Admiralty, and, strange to say, was then told that the Commodore had gone into the Country.

Upon Mr. Nott's return to the "Pylades," with intelligence so deeply implicating the good faith and publick conduct of the Chief Authorities of the Island, Captain Jackson ordered Lieutenant Smith, in His Majesty's Schooner "Magpie," to come into Port for the purpose of gaining further Intelligence. By this time it was the general topick of conversation on the Wharfs, that the "Minerva" had actually upwards of 200 Negroes then on board. I have since, however, been given to understand, that in the interval between Mr. Nott's departure for his Ship, and Lieutenant Smith's arrival in Harbour, two Boatfulls of Negroes were landed from the Schooner at Casa Blanca, a Village on the side of the Port opposite to the Havannah.

However this may be, Lieutenant Smith, on hearing the story current among the Merchants on the Wharfs, placed Mr. Nott in command of a Boat, so as to watch the proceedings of the Schooner, and, between 11 and 12 at Night, this Officer observed no less than 6 Boats leave her, crowded with Negroes, who were finally landed at one of the most publick Wharfs of the Havannah.

Lieutenant Smith, with the most praiseworthy activity, lost no time in acquainting both the Captain-General and Commodore of this disgraceful occurrence: Captain Jackson the following day came into Harbour, in order to report the whole of the circumstances to His Majesty's Commissioners; and, in the mean time, Lieutenant Smith, having, by my advice, applied to the Commodore for permission to visit the Vessel, and obtained an Order for that purpose, found every mark of her just having landed a Cargo of Slaves.

Captain Jackson, on his arrival in Harbour, addressed a Letter to me, a Copy of which I have the honour to enclose, detailing the above circumstances, and I immediately transmitted his Letter to the Captain-General, stating, at the same time, that the "Minerva" was reported in the Havannah Journals of April last as having sailed for the Coast of Africa, and calling upon him, in as respectful a manner as I could devise, to put the Spanish Laws, and particularly the Royal Order, in force against such audacious Delinquents. Anxious, however, not personally to displease him, I avoided as much as possible dilating on that part of Captain Jackson's Letter which so directly affects the responsibility of the Authorities, and told him, that I was convinced he would take the proper measures to cause the Treaty and Royal Order to be respected; I thought it right to say, that, although the "Minerva" had not been brought before the Mixed Commission as a Seizure under the Treaty, she was obviously subject to the Spanish Laws; that, in fact, the proofs were complete against her, and that it only remained for his Excellency to put the Laws in execution.

Previously to delivering my Letter, of which a copy is enclosed, I had called upon his Excellency, in order to ascertain his feelings on the subject, and I learned from him, that, although he considered the Mixed Commission as having no concern with the affair, yet he was glad to have an opportunity of informing me, that, in obedience to the late Royal Order, he had submitted the whole affair to the Commodore; and, although he could not believe that the "Minerva" had landed any Negroes, he had, in consequence of what had been stated to him, issued the most positive directions to the Commissa-

rios of the various Barrios or Wards of the City, to arrest any Negroes that might have been landed.

About this time, it appears that Captain Jackson thought proper, of his own accord, to address a Letter to his Excellency, requesting permission to search the suspicious Vessel.

The Captain-General, in reply to my Letter, transmitted Copies, herewith enclosed, of the Answer he gave to Lieutenant Smith, on being informed by that Officer of the disembarkation of the Negroes, and also of the answer he made to Captain Jackson, on being asked by him for permission to seize the "Minerva."

His Excellency then proceeds to state, that the Treaty confines all legal detentions to the High Seas, although he must have recollected that one of the Vessels lately condemned by the Mixed Commission was taken, after having been run ashore on the Coast of this Island. He likewise says, that he has acted, throughout the whole affair, according to the Provisions of the late Royal Order; that he considers the assertion of Mr. Nott and the British Seamen, as to their having seen the Negroes landed, to be utterly incredible; that, although the "Minerva" is now reported from Porto Rico, and was formerly reported as having sailed for the Coast of Africa, there is no necessary inconsistency in the two Statements, and, finally, that I may depend on his attention to an affair, the cognizance of which concerns himself alone.

It is worthy of observation, that his Excellency carefully avoids any allusion to the remarkable facts set forth in Captain Jackson's Letter to me, of the "Minerva" having been reported to him by Mr. Nott immediately on her arrival, and of her having been then visited, not only by a Spanish Officer and Guard, but by one of his Excellency's own Staff.

On the receipt of his Excellency's Letter, of which a Translation is enclosed, I saw that the scenes of January 1825, with respect to the "*Magico*," which Mr. Kilbee has set so fully before His Majesty's Government, were about to be repeated, with the important difference, indeed, that the facts here were as notorious as noon-day, and the principal actors Persons in Authority in the Island. I accordingly addressed a Representation to the Governor on the subject.

To this Letter, of which a Copy is herewith enclosed, his Excellency has replied in a tone which has grieved me much; first, as it affords not the slightest hope of this Investigation under the Royal Order tending to any good; and secondly, inasmuch as he shews great dissatisfaction at my interfering in the matter at all, and particularly at my blaming the conduct of those Officers who visited the "Minerva" on the 16th.

His Excellency in this Letter, of which a Translation is enclosed, still avoids explaining the very extraordinary circumstances, of no measures being taken with respect to her on the day of her arrival, although reported to him, and visited by Spanish Officers and a Guard. He thinks proper to attribute the whole story of the "Minerva" being a Slave-trader, to idle rumour: he denies that the Reports in the "Diario" and "Noticioso," with respect to the arrival and departure of Vessels, are Official, because they are not headed with the words "De Oficio," a title which I may, by the way, observe, is only used for the Promulgation of Decrees, &c.

His Excellency further states, in his Letter, that, although he continues to consider the assertion of Mr. Nott, and the Seamen of the "Magpie" to be quite incredible, he has, nevertheless, transmitted to the Office of the Marine the proposition I made him, of examining these Witnesses of the disembarkation, on Oath: he finally denies that he has approved of that permission given by the Commodore to Lieutenant Smith, by which this Officer was able to ascertain that the "Minerva" had just landed a Cargo of Slaves, and objects to this Visit being made a precedent for any similar examination in future.

The style in which this Letter is written, betrayed such displeasure at my interference, that I judged it right to assure his Excellency, that I had not exceeded my duty so far as in my Letter directly to blame him, although he



must feel that it was my office to make a full statement to him of an event, in which the responsibility and veracity of British Officers were so much concerned; and lastly, that I trusted the harmony which has hitherto existed between his Excellency and the British Commissioners, would not be disturbed by this unpleasant Affair.

I have the honour to enclose a Copy of this Letter, together with Copies of the Letters written to the Captain-General, by Captain Jackson and Lieutenant Smith, which I have requested from those Gentlemen, in order to make the whole Correspondence on the Subject more complete.

It is with the greatest sorrow that I have now to acquaint you, that Lieutenant Smith and all the Crew of His Majesty's Schooner "Magpie," except two, perished at Sea, close off the Havannah, on the 27th ultimo, owing to the Vessel being upset in a squall; this melancholy accident has been a general subject of conversation for some days past in the City: I was, therefore, not a little surprized to receive a Letter to day from the Captain-General, requesting the attendance of Mr. Nott and the two Seamen of the "Magpie" to give their evidence with respect to the landing of the Negroes; I have answered his Excellency, that Mr. Nott fortunately happens to be now on board the "Pylades," but that he alone survives of the Boat's Crew, which witnessed the disembarcation.

Captain Jackson, however, has just informed me, that Captain Wade, the Master of the "Mary Braide," a British Merchant Ship, trading between this Port and Liverpool, also witnessed the landing, and has declared his readiness to prove the fact on Oath before a Magistrate, as soon as he arrives in England.

From the various Letters of the Captain-General, and from the manner in which the Investigation under the Royal Order has been commenced, and is now carried on, I do not, I confess, anticipate otherwise than the acquittal of the "Minerva," in which case the Havannah will appear to the Slave-traders to be at once the safest and most profitable Port for their Vessels to enter; the Government having, I fear, already too plainly shewn, that it only considers the Traffick in Slaves to be a crime when the Vessel has allowed herself to be captured at Sea by a British Cruizer.

I am naturally anxious, with respect to the view that you, Sir, may be pleased to take of my own conduct in this affair, but I trust that it will appear to you that I have endeavoured to make the strongest possible representation of the circumstances, without losing sight of that respect which is due to the Local Government. If I had suppressed any fact from the knowledge of the Captain-General, I should be utterly unworthy the Office I have the honour to hold, and yet, unfortunately, I could scarcely hope to state all the facts to him without giving offence.

*The Right Hon. George Canning,* (Signed) W. S. MACLEAY.  
*&c. &c. &c.*

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First Enclosure in No. 84.

*Captain Jackson to W. S. Macleay, Esq.*

SIR,

*His Majesty's Sloop "Pylades," Havannah, August 17, 1826.*

YESTERDAY Morning, in company with His Majesty's Schooner "Magpie," I observed a suspicious Vessel off Cabanas, which was chased by us into this Port.

An Officer was immediately dispatched after her, who went on board, and found there a Spanish Officer with a Guard; nevertheless his belief was strengthened that she had slaves on board; he then went to the Flag Ship in Port, and stated that he believed her to be from the Coast of Africa, and requested permission and assistance to examine her; from thence he was referred to the Commander-in-Chief of the Naval Forces, residing at the Admiralty, where, on calling and stating the suspicions he had, he was directed to seek him at the Governor's; not finding him there, he submitted the particulars already stated, for the information of the Governor, to several Officers, one of whom, apparently of rank, proceeded with him to the Wharf, with a view of making

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further enquiry; he went on board the suspicious Vessel for that purpose, desiring the Officer to meet him at the Governor's, where he should be furnished with every particular that he was desirous of.

After the Spanish Officer had landed and communicated with the Governor, he gave him to understand, that his Excellency did not feel himself authorised to submit any particulars respecting the Vessel, for the information of the Captain of the "Pylades," until she had been officially reported to him by the Commander-in-Chief of the Naval Forces, to whose Department the Case, as it at present rested, entirely belonged, and recommended him to acquaint the Commodore of the circumstances, but on calling at the Admiralty Office, it was reported by the Officers in waiting, that the Commodore was in the Country. It then drawing towards sun-set, the Officer returned to this Ship.

Upon the receipt of this intelligence, I dispatched Lieutenant Smith, in His Majesty's Schooner "Magpie," into Havannah, to get every possible additional information in a circumstance so suspicious. He, on going on shore, found a rumour prevalent in the City, that the Vessel in question had brought into Port between 200 and 300 Negroes.

This Officer, in obedience to my Orders, placed a Boat, in which was an Officer belonging to this Ship, in such a situation as to observe the motions of the Schooner during the Night. Lieutenant Smith informs me, that between the hours of 11 and 12, the Officer of the Boat observed no less than 6 Boats leave the Vessel, with a number of Negroes crowded in the bottom of each, who were finally landed at the Shipping Wharf, near the Church of San Francisco.

Lieutenant Smith also informs me, that he lost no time in acquainting the Captain-General and Commander-in-Chief of the Naval Forces, of the whole particulars, and that he had permission from the Commodore to go on board and examine her, in company with his Aid-de-Camp, when he had indubitable proof of her having had on board, and very recently landed a Cargo of Slaves.

I have endeavoured to be exact in relating every circumstance relative to this Vessel, and am convinced in my own mind, and perhaps you will agree with me, of the impossibility of a Vessel arriving in this Port, hauling into a regular discharging Wharf, and finally disembarking upwards of 200 Slaves at that hour of the Night, without the knowledge of the Police of this City. I, therefore, am of opinion, that the Vessel can be proceeded against by due course of Law, and have to request you will be pleased to adopt such measures as you may see necessary in this Case.

And have the honour, &c. &c.

W. S. Macleay, Esq.

(Signed)

G. V. JACKSON, Commander.

## Second Enclosure in No 84.

### *The British Commissioner of Arbitration to the Captain-General.*

SIR,

Havannah, August 18, 1826.

I HAVE the honour to transmit to your Excellency the Copy of a Letter, dated yesterday, which I have this moment received from Captain Jackson, Commander of His Britannick Majesty's Sloop "Pylades," and from which it appears that, on the 16th instant, when in company with His Majesty's Schooner "Magpie," under his orders, he chased a Vessel into this Port, which now proves to be the Spanish Schooner "Minerva."

The circumstances under which she escaped from him were so suspicious, that Captain Jackson thought it his duty to remain off the Harbour, and to dispatch an Officer of his Ship to visit the Vessel in Port, and afterwards inform your Excellency, and the Commander in Chief of the Naval Forces on the Station, of her arrival, in order that she might be searched by the proper Colonial Authorities, and that she might, if found guilty of a violation of the Treaty for the abolition of illicit Slave-trade, be forthwith brought to condign justice. This Gentleman, on visiting her, having failed to get any intelligence from the Spanish Officer, who appears to have boarded her previous to his approach, proceeded, according to his Instructions, to state the affair to your Excellency, when one of the Officers, as he believes, of your Staff, most readily undertook to make an immediate investigation on board, the result of which, however, is not known.

The British Officer, moreover, endeavoured to call the attention of the Commander-in-Chief of the Naval Forces to the suspicious Vessel, but was not fortunate enough to find him either on board his Flag Ship, or at the House of the Admiralty.

The appearance of the Vessel was, however, so decidedly indicative of her having been engaged in the illicit Traffick of Slaves, that Captain Jackson in the Evening ordered His Majesty's Schooner "Magpie" to proceed into Port in order to obtain further information. On his arrival in Town, Lieutenant Smith, the Commander of this Schooner, found it a matter of publick conversation, that the "Minerva" had, at that very moment, upwards of 200 Negroes on board. Governed, however, by his respect for the Flag of His Catholick Majesty, and the high authority delegated to your Excellency, and, moreover, considering the Vessel, in consequence of the previous information given to you by Captain Jackson, to have been necessarily examined, say, knowing her to be even still remaining under the immediate inspection of the Spanish Officers, who had been seen on board, Lieutenant Smith refrained from detaining her while actually in Port, and bringing her as a British Capture before the Mixed Commission. He therefore, contented himself with strictly observing her proceedings, the consequence of which was, that at a very late hour of the same night, an Officer, and two men under his orders, saw 6 Boats put off from the Vessel, and, on approaching them, these Boats were observed to be crowded with Negroes, who were at length landed at one of the most publick Wharfs of the Havannah: having

followed the Boats closely, the Officer and men say, that they are now ready to support this most important fact on oath.

I have further to remark that, according to Captain Jackson's Letter, it appears that Lieutenant Smith, who, by virtue of an Order from the Commandant of the Naval Forces, had authority to visit the "Minerva" yesterday afternoon, found all the peculiar and well-known marks of her having been fitted out for the Slave-trade. I observe in the "Noticioso," that the Vessel is there reported as having now come from Puerto Rico in ballast; but it appears from the "Noticioso" of the 4th April last, that she sailed from this Port for Princes Island on the 3d of that Month.

In short, I grieve to say, that this Vessel presents a clear and incontestable instance of the solemn Treaty between our respective Governments, being notoriously violated under the very eye of the Publick Authorities, and of the late Royal Order of His Catholick Majesty, being completely set at defiance.

It has been the invariable usage for the British Commissioners to represent to your Excellency every circumstance appearing to them to be an infraction of the Treaty, previously to performing their painful duty of submitting it to the consideration of His Majesty's Government; this course of proceeding I now follow, but I cannot avoid seizing the opportunity it affords of expressing my conviction, that so audacious a violation of the late Royal Order of His Catholick Majesty, and so open an insult to your Excellency's authority, when thus placed beyond all doubt by the Evidence of British Officers, cannot escape the most minute investigation in the proper Quarter; I am very far indeed from presuming to point out the line of conduct which the Government of this Island ought to pursue in an affair of this importance, but I may observe, that, although Captain Jackson has not brought the "Minerva" before the Mixed Commission, this Vessel and the Negroes arrived in her are still subject to the provisions of the Royal Order, as well as to anterior Spanish Laws; and the aversion which your Excellency has so lately and humanely declared yourself to bear towards this detestable Traffick, when connected with the anxiety which His Catholick Majesty has shewn to extinguish it, make me confident that ere this you have occasioned every measure to be adopted that the circumstances so imperiously require.

I avail myself, &c.  
(Signed)

His Excellency the Captain-General.

W. S. MACLEAY.

### Third Enclosure in No. 84.

(Translation.)

#### *The Captain-General to Lieutenant Smith.*

SIR,

Havannah, August 17, 1826.

I HAVE received your Letter of this date, in which you inform me of the disembarkation of various Negroes from a Schooner which entered this Port yesterday, when chased by His Britannick Majesty's Ship "Pylades;" the circumstances of this affair falling properly within the cognizance of the Commodore on this Station, I have transmitted, this day, your Letter to him that he may take measures accordingly, and I have, moreover, given the necessary orders to the Petty Justices, that they may make the most secret and active enquiries on the subject of this said disembarkation.

God preserve, &c.

Lieutenant Smith, Commander of His

(Signed)

Britannick Majesty's Schooner "Magpie."

FRANCISCO DIONISIO VIVES.

### Fourth Enclosure in No. 84.

(Translation.)

#### *The Captain-General to Captain Jackson.*

SIR,

Havannah, August 19, 1826.

AS soon as I received Lieutenant Smith's Letter, dated 17th instant, informing me of the circumstances attending the arrival of the Spanish Schooner, I transmitted it to the Commandant of the Naval Forces, for his information, in order that he might take the necessary measures in conformity with the Royal Order of my August Sovereign, dated 2d January of the present Year. The Commodore has since replied, that he is now occupied with the affair, and, if from the result of his enquiries, he should find sufficient reason for proceeding against the said Schooner, he will do it by means of the Tribunal of this Captaincy General, to which the affair exclusively belongs, in conformity to the said Royal Order.

Thus have I answered your Letter of yesterday.

God preserve, &c.

Captain Jackson, Commander of His Britannick Majesty's Ship "Pylades"

(Signed)

FRANCISCO DIONISIO VIVES.

### Fifth Enclosure in No. 84.

(Translation.)

#### *The Captain-General to the British Commissioner of Arbitration.*

SIR,

Havannah, August 19, 1826.

I HAVE now before me your Letter of Yesterday, and also the Copy of the Letter which the Commander of His Majesty's Ship "Pylades," addressed to you, wherein he states, that he gave

chase to a Vessel, now proved to be the "*Minerva*," and which entered into this Port on the 16th instant.

You relate at length the various circumstances which rendered this Schooner suspicious, and as the facts to which you refer were, for the most part, communicated to me on the 17th instant, by the Commander of His Majesty's Schooner "*Magpie*," I enclose a Copy of my Answer to him, in order that you may be aware of the measure I took; I likewise enclose, for the same reason, a Copy of the Reply I gave yesterday on this affair to the Commander of His Britannick Majesty's Ship "*Pylades*."

You inform me that Lieutenant Smith, governed by his respect for His Majesty's Flag, and for the high authority which The King, my Master, has delegated to me, refrained from detaining the "*Minerva*" while she was in Port, and from bringing her as a British Capture before the Mixed Commission; from this it would appear that Lieutenant Smith might have made himself Master of the Vessel, and that he only refrained from pure deference to the motives you mention. Neither in the Treaty of 1817, nor in the Royal Order of 10th February last, wherein His Majesty directs the observance of the Additional Articles, nor in the Royal Order of the 2d January last, is there any door open for such an absurdity on the part of Lieutenant Smith; on the contrary, the conditions under which Vessels may be detained by Ships-of-War, are very clear, that is, the detention must always take place on the High Seas, with every attention that is due between Friendly and Allied Nations.

The "*Minerva*" being anchored within the Port, under the fire of the Fort and Squadron, and in the view of all the Superior Authorities of the Island, it would have been a violation of the immunity of His Majesty's Territory, on the part of Lieutenant Smith, to have taken possession of her.

My proceedings in the affair have been in exact conformity with the Royal Order of the 2d of January last, and the Office of Marine proceeds, as if the Vessel had come from the Coast of Africa, to the examination of the Log-book, and the verification of the facts stated by the Commanders of His Britannick Majesty's Vessels "*Pylades*" and "*Magpie*." I have, moreover, issued orders to the Petty Justices to investigate the disembarkation of Negroes, asserted to have been seen late at Night by three Individuals of the "*Magpie*," and to have taken place on the Wharf of San Francisco, a thing quite incredible that a contraband of this sort could be introduced into a City so populous, and in which Rounds and Patroles cross each other the whole night.

Every requisite aid has been afforded to facilitate proofs of the Schooner "*Minerva*," having come from the Coast of Africa, and among others, leave was given to Lieut. Smith to visit her, accompanied by an Officer of the Commodore on this Station; and you inform me, that he found on board all the peculiar and well known marks of her being fitted out for the importation of Slaves. I this day transmit these particulars to the Commodore, in order that he may enquire into the facts, and proceed accordingly; although I should suppose that the Spanish Officer above-mentioned must have made a report to him of his observations; I also call the attention of the Commodore to the observation you make, with respect to the destination for which you say the "*Minerva*" sailed in April last, and her arrival from Puerto Rico, although I do not perceive any inconsistency in the two statements, and the truth must appear from the Log-book.

You may rest persuaded that I shall take my measures conformably to the Treaty, its Additional Articles, and the Royal Order of the 2d of January last, and proceed in the investigation and punishment, if it should be necessary, of this affair, according to the existing Laws; it being well understood that the cognizance of such matters, according to what His Majesty has been pleased to regulate in the above Royal Order, concerns me alone, as advised by my Assessor.

God preserve, &c. &c.

The British Commissioner of Arbitration.

(Signed)

FRANCISCO DIONISIO VIVES.

#### Sixth Enclosure in No. 84.

#### *The British Commissioner of Arbitration to the Captain-General.*

SIR,

Havannah, August 21, 1826.

I HAVE just had the honour of receiving your Excellency's Letter, dated the 19th instant, with Copies of two Letters addressed by you to the Commanders of His Majesty's Vessels "*Pylades*" and "*Magpie*," on the subject of the "*Minerva*."

From the manner in which your Excellency has been pleased to discuss certain of the various motives of Lieutenant Smith, for not attempting to detain the "*Minerva*," and to bring her before the Mixed Commission, I am led to imagine that you suppose that I do not believe them to have been perfectly correct, whereas, on the contrary, I am convinced that the union of activity and moderation shown by this Officer, and his Commander, Captain Jackson, throughout the whole affair, and above all, the very high respect which, as was their duty, they have both manifested to the Flag and Fort of His Catholick Majesty, and to your Excellency's Supreme Authority, will meet with the entire approbation of their Government.

They never could have viewed, for a moment, the possibility of detaining the Vessel against the will of your Excellency, much less did they ever indulge a wish so to do; but they certainly reckoned, that when employed in fulfilling the humane object of so many Laws of His Catholick Majesty, they would have met with every assistance from the Spanish Officers who visited

the "*Minerva*," towards the execution of these Laws, and that if the Vessel was not immediately seized by the Spanish Authorities, they might have been at least allowed to search or detain her themselves.

My sole object, therefore, for stating the various motives for Lieut. Smith's conduct, was to shew that he was not restrained from detaining this Schooner, by the least doubt as to her having been engaged in illicit Slave-trade, and being, therefore, justly condemnable under the Mixed Commission, but by considerations of a wholly different, though paramount nature.

Your Excellency is aware that, by the Treaty of 1817, in the event of a detention being declared illegal by the Mixed Commission, the Captor is bound to pay the damages that may have been incurred; yet Lieutenant Smith, and his Commander, Captain Jackson, were both so convinced of her guilt, as to be ready so far to take all the responsibility on themselves, and only refrained from detaining her on account of the very proper and valid reasons which I have already had the honour of stating to your Excellency.

Considering this violation of the Laws to be so flagrant, they may perhaps have calculated on your Excellency's permission to search her, but the respect due to the Flag and Fort of His Catholick Majesty would not allow them to anticipate it.

The 5th Article of the Treaty expressly states, that "whenever a Ship-of-War shall meet a Merchant-man liable to be searched, it shall be done with every attention which is due between Friendly and Allied Nations."

And it is clear, therefore, that if Captain Jackson, or Lieut. Smith, had your Excellency's permission to detain this Vessel, or even if, after her entry, she had been seized by any of the Spanish Cruizers now in this Harbour, the circumstance of her having been detained in Port, would not of itself have withdrawn her from the jurisdiction of the Mixed Commission, or have rendered her less liable to condemnation under it.

I am not aware that the Treaty any where limits the detention of Slave-vessels to the High Seas; and, consequently, if a detention in Port could have taken place with regard to that reciprocal respect and attention which is due between Friendly and Allied Nations, then, in my humble opinion, that detention must have been held so far perfectly legal.

In my last Letter I ventured to express my conviction, that, although the "*Minerva*" has not fallen within the province of the Mixed Commission, your Excellency would proceed against her under the late Royal Order, and the Royal Cedula of December 1817, and I experience great pleasure in observing, that your Excellency is now pleased to confirm that opinion, and thereby to prove your anxiety to preserve that excellent understanding which now so happily exists between our respective Nations.

Your Excellency apprises me that the Office of Marine proceeds, under the Royal Order, against the "*Minerva*," as if she had come from the Coast of Africa, by first examining her Log-Book, and then verifying the various facts recited by the Commanders of the "*Pylades*" and "*Magpie*."

As to the Vessel having come from the Coast of Africa, it is matter of such publick notoriety in the Havannah, as to be beyond all dispute; but, were it not perfectly notorious, it is proved, by the Vessel having been officially reported in the "*Diario*" and "*Noticioso*" as having sailed for Princes Island, by her not subjecting herself to examination by the "*Pylades*," by her having been seen by several competent Witnesses to land Negroes, and by the appearance she presented to Lieutenant Smith, of having just landed a cargo of slaves; supposing even that it should turn out, that, before she reached the African Shore, she supplied herself with a cargo of slaves from another Vessel, she is not the less guilty, nor the less liable to condemnation.

As to the verification of the facts stated by the British Officers, I humbly trust, that your Excellency will see the absolute necessity of preventing the Tribunal to which the "*Minerva*" is now subjected, from coming to any decision contrary to the evidence of competent Witnesses, without giving them an opportunity of supporting their assertions by oath, particularly when these Persons, in interfering now, can have no possible object beyond their anxious desire for the elucidation of truth. I beg leave, therefore, to observe, that, previously to his sailing on his present Cruise, I had prepared Captain Jackson, for the possibility of the evidence of the Officer, Mr. Nott, and two men being required under the Royal Order; and that I have authority to state, that his intention is to return into Harbour in a few days, under the expectation of your Excellency deeming their evidence necessary.

Your Excellency expresses great doubt that the slaves could be landed, without detection, in the centre of a City so populous as the Havannah, exposed all night to the watches and rounds of the Police. To this I have merely to reply, that Mr. Nott and two men are ready to prove the fact of the disembarkation, on oath; and, that it is impossible they should be under any mistake, as they followed the Boat so close as not merely to see the Negroes crowded in the bottom, but even to have had a log of wood thrown at them by some Person concerned in this criminal transaction.

Indeed I am quite sure that your Excellency is not prepared to deny the landing of these slaves; a fact perfectly notorious, and which, I understand, has been even boasted of by those concerned in the disembarkation.

I must, therefore, with regret, express my entire acquiescence in your Excellency's remark,—a remark indeed already made by Captain Jackson—that this event could not have taken place without the knowledge of the City Police; but, if it most clearly appears that a Vessel, with slaves on board, may be chased by a British Cruiser into the Port of the Havannah, may be immediately reported as such to the proper Authorities, may be visited by Spanish Officers and a guard of Soldiers, and all this in open day, without such circumstances leading to her immediate seizure; it is difficult to believe that an inferior Officer, whether Civil or Military, would think it his duty to prevent the disembarkation of the Negroes, knowing them not to have been arrested by day-light, when the fact of the Vessel's containing Slaves was matter of publick conversation on the Wharf, he would scarcely conceive himself called upon to arrest them under the shade of night, and would, perhaps, even consider, that, in refraining from arresting them, he complied with the intentions of some Superior. It appears to me, therefore, that the circumstance of the disembarkation

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barkation not being denounced by the City Police, proves nothing but their remissness, which was otherwise probable.

It is indeed lamentable to think that, although the Evidence against this Vessel be complete, in all its parts, and quite incontrovertible. it should rest solely on the Evidence of British Subjects, and that, through their energy and activity, it appears but too clear, that a Slave-vessel may arrive in open day in the Havannah, and discharge her Cargo, without being denounced or prevented by any Subject of His Catholick Majesty.

That remissness of duty, nay, absolute connivance at the detestable objects of this Vessel, is justly imputable to some one or other of the Individuals who visited the "Minerva" in their official capacity, must, I fear, be too manifest to both our Governments, on this Affair being represented to them; and I am certain your Excellency will agree with me, from the triumphant tone which the Friends of illicit Slave-trade assume, in speaking of this Event, that if the conduct of those whose duty it was to examine the Vessel, passes without remark, they will deem the safe disembarkation of these Negroes to have been viewed with satisfaction by the Government of the Island, instead of being a crime which the honour of both our Governments requires to be punished.

It is in this view of the matter that I may be permitted to express my satisfaction, that your Excellency has been pleased to approve of the Order given to Lieutenant Smith by the Commandant of the Naval Forces, in virtue of which he was able, in company with a Spanish Officer, to ascertain, for all the purposes of legal proof, according to Captain Jackson's statement, that the "Minerva" had just landed a Cargo of Slaves.

With reference to my remark, on the difference between the Official Reports in the Noticioso, of the destination of this Vessel, when she sailed from this Harbour in April last, and of the Place from which she is now said to have arrived, your Excellency is pleased to observe, that there may still be no inconsistency in these different Statements: of this I was perfectly aware, but the practice of officially reporting in the Journals false Places of departure of Vessels known to have come from the Coast of Africa, is so well known, as already to have been the subject of Communications between your Excellency and my Colleague, Mr. Kilbee; and I think that your Excellency will perceive that the discrepancy, which now exists, is more unfortunate evidence for the innocence of this Vessel, than if she had been reported direct from the Coast of Africa, particularly when, in place of arriving in ballast, Negroes were seen to be landed from her: had she been innocent, there would have been no necessity for any equivocation on her part.

The whole Case, in short, from beginning to end, is so plain, so supported by direct and indirect evidence, and withall so notorious, that the very attempts of the "Minerva" to prove herself innocent, only tend more to her Condemnation, and, unless the Treaty, and His Catholick Majesty's Cedula of 1817, together with the Royal Order of the 2d of January last, be all considered as perfectly nugatory, I cannot conceive how this Vessel can possibly avoid Condemnation, or her Crew escape punishment. As for the Negroes they are legally free already, by the very circumstance of their having been just landed, so that it only remains for the Government to discover them, which, as the landing and dispersion of them could not have taken place without the knowledge of the Police, can, of course, be easily effected.

I regret beyond measure this unfortunate occurrence, but I trust that your Excellency is convinced that I have studiously endeavoured to represent the whole details to you with the utmost deference: indeed, from gratitude for the urbanity which you have always been pleased to evince towards me, in the various Communications I have had the honour of holding with you, I should be wanting in duty to myself had it been otherwise; but, above all, I should fail in that deep respect which I owe your Excellency, as the Representative of His Catholick Majesty, and, moreover, be at the most egregious variance with my Official Instructions, did I venture to interfere with an investigation, that now, as you justly observe, concerns your Excellency alone.

I am, indeed, persuaded that every care will be taken to cause the Treaty and the Royal Order to be respected; and, if I may at any time have appeared to say more than the Case required, I trust you will attribute it, not to any intention to pass presumptuously beyond the strict line of my duty, but to a natural anxiety that the details of this affair may be seen by the Authorities of this Island in their true light, and, that both our Governments may be convinced not only that justice has been done to all Parties, but that those Persons here, whose office it is on each side to carry the Treaty into execution, have done all that could be expected of them.

I avail, &c.

His Excellency the Captain-General.

(Signed)

W. S. MACLEAY.

Seventh Enclosure in No. 84.

(Translation.)

*The Captain-General to the British Commissioner of Arbitration.*

SIR,

Havannah, August 25, 1826.

WHILE I considered your wishes complied with, in the Answer, which, on the 19th instant, I returned to your Letter of the previous day, inasmuch as I then conclusively manifested my intention to conform my measures in the affair of the suspicious Schooner "Minerva" to the Treaty of 1817, its Additional Articles, and the Royal Order of the 2d of January last, I have received your Letter of the 21st instant, in which the same details are recapitulated, but in a manner that has not a little surprised me, by the mode in which, quitting your functions as a Judge of the Mixed Commission, you endeavour to give them an unrecognized extension, for the purpose of blaming those high Authorities of the Island, who are responsible for their conduct only to their August Sovereign.

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I have constantly endeavoured to preserve the greatest harmony both with you and with Mr. Kilbee, in the fulfilment of my duty, and of the Sovereign Orders of His Majesty; I have paid the greatest deference to the various hints that the Commissioners of His Britannick Majesty, and the Commanders of his Cruizers, have given to me; and when I confided in the candour of my proceedings, I observe, with regret, that my complaisance in receiving their Communications has not been sufficient to prevent our Correspondence in this affair of the "Minerva" from taking a disagreeable character, in consequence of the mode in which you express yourself in the Letter I am now about to answer.

In the second and following paragraphs you repeat the motives of Lieutenant Smith for not detaining the "Minerva," and say, that his respect for His Catholick Majesty's Flag, and my supreme authority, deserve the approbation of His Britannick Majesty's Government. On this head I have nothing to say, further, than that you may rest persuaded that the Treaty and the Sovereign dispositions of the 10th of February last, by which His Majesty directs the observance of the Additional Articles, bear reference only to Cruizers on the High Seas, while the Royal Order of the 2d of January this Year, refers to the Vessels which arrive from the Coast of Africa in this Port, as well as in all others of His Majesty's Possessions. The examination of the Log-Book belongs to the Office of the Marine; and if there should be found any motive of suspicion that the Vessel has either brought or clandestinely disembarked Negroes, that Office is bound to render account thereof immediately to the Captain-General, who is then to proceed according to the particular nature of the affair, and to the Laws prevailing on this subject. To detain or visit a Vessel within the Port, would be to usurp the province of the Resident Authorities, and to attack the Independence and Sovereignty of the Spanish Nation. In another paragraph of your Letter, you seem to found your belief of the "Minerva" having arrived from the Coast of Africa, on the publicity and notoriety of the affair; and you say, even if it had not been notorious, it is proved by the Vessel being announced officially as having sailed for Princes Island by the *Diario* and *Noticioso*. The same observation was made in your former Letter, and, as I said in my Answer, I transmitted that Letter to the Commandant of the Marine, in order that it might have its proper effect in the enquiry that has taken place, in conformity to the Royal Order of the 2d of January last.

With respect to the publicity and notoriety of the affair, which you allude to and regard as proof, it is requisite that when similar rumours are circulated, that he who knows this Country well should recollect, that the People here are accustomed to amuse themselves with all sorts of talk, fostering their curiosity with the most ridiculous and improbable reports, which spread with such velocity as to make it impossible to discover their origin.

In the Havannah there is no Official Journal, and when the Government makes a communication to the Publick, then the Article necessarily bears the heading "De Officio," in order that it may be distinguished from the others which are the productions either of the Editors, or of Private Individuals. If you had attentively read my Correspondence with Mr. Kilbee, you would have been convinced of this circumstance, at least so far as not to think that the information from the Publick Papers, without this requisite, possesses the character *De Officio*.

Continuing my deference towards the information you afford me, as likely to elucidate this disagreeable affair, I have transcribed for the Commandant of the Marine, that passage of your Letter wherein you request, that the Declarations may be heard, of the Officer, and two other Witnesses, who are ready to prove the fact of the disembarkation of the Negroes; this I have done in order that the said Commandant in the enquiry which is now going on, may avail himself of these Declarations, and act according as he may judge proper, since to him alone belongs such examination, conformably to the Royal Order of 2d January last. In this particular I can do no more.

You next say, that the fact of the disembarkation of the Negroes is well known in the Havannah, and that some have even been known to boast of having been employed in this transaction. Here, you again depend on the vulgar reports of idle Persons in order to present them as proofs. At a time when the judicial enquiry is going on, prudence dictates that we should wait the conclusion of the competent Judges, in order to form an exact and true judgment of the affair, and not allow our imaginations to advance an opinion, founded on popular conversation.

As little does it give room to just suspicion with respect to the Schooner's guilt, that she should have, as you say, fled from the English Ships-of-War, when she perceived them following her, because Privateers and Insurgent Ships-of-War, when they chase our Vessels, frequently make use of the English and American Flag.

In my former Letter of the 19th instant, I informed you that my proceedings in this affair had been in exact conformity with the above-mentioned Royal Order of 2d January last, and that the Office of Marine proceeds, as if the Vessel had come from the Coast of Africa, to the examination of the Log-Book, and then to the verification of the facts stated by the Commander of His Majesty's Ship "Pylades," and of His Schooner "Magpie." In addition I have issued orders to the Petty Justices to inquire into the disembarkation of the Negroes, which it is asserted, was seen late at night by 3 Individuals of the said Schooner, and which took place near the Wharf of San Francisco: a circumstance which I deem incredible, namely, that a contraband of this kind should be introduced into a populous City, where the Rounds and Patroles cross each other the whole night.

On this last head, you say that Mr. Nott and 2 men are ready to prove on oath the fact of the disembarkation, and I, with the same respect which I have always paid to your Communications, have given notice of this to the Marine, that they, in consequence, may adopt suitable measures.

I am very sorry, however, that you should have been able to deduce from this fact, that it is difficult to believe that an inferior Officer, whether Civil or Military, would think it his duty to prevent the disembarkation of the Negroes, or, that knowing them not to have been arrested by day-light, when the fact of the Vessel's containing Slaves, was a matter of publick conversation, he would conceive himself called upon to arrest them under the shades of night, and would not perhaps even consider, that in refraining from arresting them he complied with the intentions of

some Superior. From this supposition, which is so very violent, and at the same time unfounded, there results a real inculpation of the Superior Authorities of this Island, who are now proceeding in the matter conformably to the Sovereign Orders, and, as I repeat, who are responsible for their conduct to their August Monarch alone.

When, in your Letter of the 18th instant, you informed me that Lieutenant Smith, in virtue of an order from the Commodore, had, in company with a Spanish Officer, passed aboard the "Minerva," and had there found all the peculiar marks of her being fitted out for the importation of slaves, I answered you, that I should transmit this information to the aforesaid Commodore, in order that the affair might be cleared up, and that he might take the proper steps thereupon, although the Officer who accompanied Lieutenant Smith, ought to have already reported to his Chief, whatever had been observed by the British Officer.

I considered that complaisance on the part of the Marine as a proof of the frankness and respect which we have always observed towards the Commissioners and Officers of His Britannick Majesty; but now that I perceive from your Letter, that you have formed an idea of my having approved of the permission given to Lieutenant Smith, to visit the "Minerva," I ought to rectify this mistake, that this visit may never be adopted as a precedent; explaining to you clearly, that the Commodore might, in the execution of his functions, through pure urbanity, have complied with the wishes of Lieutenant Smith; that he certainly did not ask my approbation of the measure; and that I do not see, in my Letter, any expression sufficient to lead you to suppose that I approved of it.

This is all I have to say in reply to your last Letter, and with this our Correspondence on the affair ought to cease; and as in the Regulations for the Mixed Commission, your functions are clearly marked out, I hope that hereafter you will confine yourself strictly to them.

God preserve you, &c.

*The British Commissioner of Arbitration.*

(Signed) FRANCISCO DIONISIO VIVES.

#### Eighth Enclosure in No. 84.

##### *The British Commissioner of Arbitration to the Captain-General.*

SIR,

Havannah, August 26, 1826.

I OBSERVE with the greatest regret, from your Excellency's Letter of yesterday, that I am thought to have exceeded the bounds of my Official Duty, in making my last representation to you on the subject of the "Minerva," and to have encroached, as most assuredly was quite contrary to my intention, on that Authority which belongs to the Government of this Island.

Your Excellency, on a repusal of my Letter, will, however, as I hope, perceive that I have not forgotten my duty, so far as in that Letter to attribute blame, on my own part, to the Supreme Government. My Office certainly does not entitle me to take such a liberty. I have read over my Letter carefully, and I find that the passages which have excited your chief displeasure, are those wherein I have recorded, as was my duty, the opinions of Captain Jackson, Lieutenant Smith and others. I lament, therefore, exceedingly, that you should be dissatisfied with my remarks on the Case of the "Minerva," a subject upon which I perfectly adopt the opinion of your Excellency, that I am not called upon to address you further.

I am confident, however, that, when your Excellency takes into consideration how deeply the responsibility, and even veracity of British Officers, have been concerned in this most disagreeable affair, you will deem me justified in viewing it as one in which I might have been excused for making a more detailed statement to you than usual.

I cannot conclude without saying, that I well know, and shall ever gratefully recollect, your constant disposition to cultivate the best personal understanding with Mr Kilbee and myself; and I further beg to assure your Excellency, that nothing would grieve me more in my private as well as public capacity, than to think that this harmony should for an instant be disturbed.

I avail myself, &c.

*His Excellency the Captain-General.*

(Signed) W. S. MACLEAY.

#### Ninth Enclosure in No. 84.

##### *Captain Jackson to the Captain-General.*

SIR,

*His Britannick Majesty's Ship "Pylades," Havannah, August 18, 1826.*

I HAVE the honour to inform your Excellency that, on the 16th instant, I chased a Schooner into this Port, and had very strong suspicion she was engaged in illicit Slave-trade.

I consequently sent a Boat, with an Officer to ascertain the truth, upon whose report I deemed it necessary to send Lieut. Smith in His Majesty's Schooner "Magpie" into this Port, who, together with the Officer and his Boats-crew, did make themselves masters of facts incontrovertible of her having had slaves on board, and landed them after her arrival in this Port.

The whole of the circumstances I believe your Excellency to be fully acquainted with, first by the Officer from this Ship, and secondly, by Lieut. Smith's Official Communication.

I beg your Excellency to observe with what unfeigned delicacy I have acted throughout this extraordinary transaction, not only in obedience to my Instructions, but from the personal respect



I have for the Spanish Flag, particularly in this Port, over which your Excellency so immediately presides.

Nevertheless, I feel it a duty incumbent on me to demand that Vessel, the "Minerva," at the hands of your Excellency, (she at this moment not being in the possession of any Official Authority,) that she may be proceeded against by due course of Law, according to the Articles of the Treaty now existing between their Britannick and Catholick Majesties.

I have the honour to be, &c.

*His Excellency the Captain-General.* (Signed) GEORGE VERNON JACKSON, Commander

#### Tenth Enclosure in No. 84.

##### *Lieutenant Smith to the Captain-General.*

SIR, *His Britannick Majesty's Schooner "Magpie," Havannah, August 17, 1826.*

AN unpleasant duty falls to my lot, in reporting to your Excellency, that between the hours of 11 and 12 last Night, 6 or 7 Boats full of Negroes were landed at the Shipping-Wharf from the Schooner chased into this Port yesterday, by His Majesty's Ship "Pylades," of which circumstance your Excellency had due notice by an Officer of that Ship.

To the above fact, I have the most direct proof, and I must, therefore, request your Excellency will be pleased to give such directions as you may think proper for the immediate detention of the said Schooner and Negroes.

I have the honour to be, &c.

*His Excellency General Vives.* (Signed) EDWARD SMITH, Lieut. and Commander.

#### Eleventh Enclosure in No. 84. (Translation.)

##### *The Captain-General to the British Commissioner of Arbitration.*

SIR, *Havannah, September 2, 1826.*

DON BARTHOLOMEW MARQUES PACHECO, *Ayudante de Matriculas*, has addressed a Letter to me, dated this day, and which is as follows:—

"Most Excellent Sir,—In pursuance of the Letter addressed by your Excellency, on the 22d ult. to the Commodore, informing him that, among other things stated to you by the British Commissioner, Mr. Macleay, he had urged the necessity of examining the English Officer, Mr. Nott, and two other British Subjects, on the subject of the Spanish Merchant Schooner "Minerva," and as this enquiry has been entrusted to me, by order of the said Commodore, I beg, that in the event of those three Individuals being in this Harbour, the necessary measures may be taken to cause them to present themselves at this Office on Monday the 4th inst. at 9 in the Morning, for the purpose of giving their respective Declarations."

This I transmit to you, Sir, for the end solicited.

God preserve you many years.

*The British Commissioner of Arbitration.* (Signed) FRANCISCO DIONISIO VIVES.

#### Twelfth Enclosure in No. 84.

##### *The British Commissioner of Arbitration to the Captain-General.*

SIR, *Havannah, September 2, 1826.*

I HAVE the honour to acknowledge the receipt of your Excellency's Letter, dated this day, and in answer have to acquaint you, that Mr. Nott, who fortunately happens to be now on board the "Pylades," will be ready at the *Commandancia de Matriculas*, to give his evidence on the subject of the "Minerva," on Monday the 4th inst. at 9 o'Clock, A M.

Your Excellency is aware that the two Sailors, who, with Mr. Nott, witnessed the disembarkation of the Negroes from the "Minerva," belonged to His Majesty's Schooner "Magpie," of which the melancholy fate has been known for several days, and is so much to be deplored.

I avail myself, &c.

*His Excellency the Captain-General.* (Signed) W. S. MACLEAY.

#### No. 85.

##### *The British Commissioners to Mr. Secretary Canning.—(Received Oct. 17.)*

SIR, *Havannah, July 12, 1826.*

IN reference to your Despatch of the 23d of February last, directing us to

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make enquiries into the truth of a statement respecting the re-capture, by a Spanish Brig, of 2 Prizes which had been taken by a British Cruizer on the Coast of Africa; we regret to have to inform you, that, notwithstanding our utmost endeavours, we have not been able to obtain any information upon the subject. If the Brig had arrived at this Port, we might probably have succeeded in getting verbal information respecting her proceedings; but as the transaction is connected with the Port of Cuba alone, written Communications would be indispensable; and it is scarcely necessary to state, that there is no Individual in this Island, whatever may be his principles, whom we could induce to commit himself so far as to undertake a written Correspondence for the purpose of investigating a Case of illicit Slave-trade.

We have not addressed the Captain-General upon the subject, because we do not consider that we are authorized to do so by your Instructions; besides such a step would be attended with no advantage whatever, as his Excellency would, undoubtedly, refer our application for information to the Governor of Cuba, who would of course return the same answer which he gave to Sir Lawrence Halsted.

We have the honour to be, &c.

(Signed) HENRY T. KILBEE.

W. S. MACLEAY.

*The Right Hon. George Canning,*  
 &c.                      &c.                      &c.

### No. 86.

*The British Commissioners to Mr. Secretary Canning.—(Received Oct. 17.)*

SIR,

*Havannah, August 9, 1826.*

SINCE the date of our Despatch of the 14th of June, 2 Spanish Vessels have arrived here which had previously landed Cargoes of Negroes, viz: the Brigantine "*Maria Isabel*," and the Schooner "*Santo Cristo de la Salud*," alias "*La Dichosa*."

As soon as we had reason to believe that these Vessels had certainly been engaged in the Slave-trade, we addressed a Note to the Captain-General, of which a Copy is enclosed, calling his attention to these Cases, and expressing our intention of reporting them to His Majesty's Government. His Excellency, in his Reply, a Translation of which is also enclosed, merely states, that he had referred our Note to the Naval Department.

Both the above-mentioned Vessels, we understand, were fitted out at Cadiz.

The Spanish Schooners "*Montanesa*" and "*Amelia*," have lately sailed for Princes Island, on the Coast of Africa.

We have the honour to be, &c.

*The Right Hon. George Canning,*  
 &c.                      &c.                      &c.

(Signed)

HENRY T. KILBEE.

W. S. MACLEAY.

### First Enclosure in No. 86.

*The British Commissioners to the Captain-General.*

SIR,

*Havannah, July 22, 1826.*

SINCE we last had the honour of addressing your Excellency, we have observed the arrival of 2 Spanish Vessels, announced in the Newspapers to be in ballast from St. Thomas, which it is well known had previously landed Cargoes of Negroes on the Coast of this Island. Their names are the "*Maria Isabel*," a Brigantine, and the "*Santo Cristo de la Salud*," alias "*La Dichosa*," a Schooner. The latter was boarded a few days ago by a British Cruizer, but was not detained, as the Commanding Officer did not consider that he could produce legal proof of her having just landed a Cargo of Slaves, although he was perfectly convinced of the fact.

We feel it to be our duty to report these Cases to our Government, of which we have the honour to apprise your Excellency.

We avail ourselves, &c.

(Signed)

H. T. KILBEE.

W. S. MACLEAY.

*His Excellency the Captain-General.*

Second Enclosure in No. 86.

(Translation.)

*The Captain-General to the British Commissioners.*

GENTLEMEN,

Havannah, July 24, 1826.

ALTHOUGH the 2 Spanish Vessels that you announce to me in your Letter of the 22d instant, have in fact arrived from the Island of St. Thomas, which does not belong to Africa, the only Case in which they could be subject to the provisions of the Royal Order of the 2d of January last, and although one of these Vessels, when visited by a British Cruizer a few days since, was not detained by the Commanding Officer for want of the legal proof that she had disembarked a Cargo of Slaves, I have, nevertheless, transmitted your Letter to the Officer commanding the Naval Forces on this Station, in order that he may take such measures as may be necessary; persuaded, as I am, that you are convinced of my aversion to so detestable a Traffick. As soon as it may be in my power I shall take an opportunity of communicating to you the result.

God preserve you many years.

The British Commissioners.

(Signed) FRANCISCO DIONISIO VIVES.

No. 87.

*W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received Oct. 17.)*

SIR,

Havannah, September 3, 1826.

I HAVE the honour to acknowledge, on the part of His Majesty's Commissioners, the receipt of your Despatch of the 6th of May, transmitting 4 Copies of the Papers, marked A. and B., relative to the Slave-trade, which were laid before Parliament in the course of the present Year.

I have the honour to be, &amp;c.

The Right Hon. George Canning,  
&c. &c. &c.

(Signed) W. S. MACLEAY.

No. 88.

*W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received Oct. 17.)*

SIR,

Havannah, September 4, 1826.

I HAVE the honour to acquaint you, that Captain Jackson, of His Majesty's Sloop "Pylades," having received private intelligence that some of the Negroes landed in the Havannah from the Schooner "Minerva," on the 16th ult. were to be clandestinely conveyed to Matanzas in the Steam-vessel "Mexicano," which passes daily between the two Ports, lay in wait for her, and on the 21st ult. brought her back to the Havannah as a legal detention under the Mixed Commission, for having violated Article VII. of the Instructions annexed to the Treaty of 1817.

As the detention was clearly legal, I gave it as my decided opinion, that the "Mexicano" ought to be condemned, according to the terms of the 3d Article of the Regulations for the Mixed Commission.

My two Spanish Colleagues also came to the conclusion that the detention was legal, but singularly enough decided, that this detention ought to produce no penal consequences, and, therefore, adjudged the Vessel to be liberated, which has accordingly been done.

As this detention of a Passage-vessel for conveying Slaves along the Coast without a Passport, is the first Case of the kind, and involves in it some very important considerations; I regret, that the exceedingly short stay of His Majesty's Ship "Dartmouth" puts it out of my power at present to make a detailed Statement of the Affair, and to send you an Abstract of the Proceedings of the Mixed Commission, with the opinions of the Commissioners. These several Documents I shall not fail to transmit to you by the very first opportunity that may occur.

I have the honour to be, &amp;c.

The Right Hon. George Canning,  
&c. &c. &c.

(Signed) W. S. MACLEAY.

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No. 89.

*W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received Nov. 6.)*

(Extract.)

*Havannah, September 11, 1826.*

IN my last Despatch I endeavoured to give you a brief outline of the affair of the "*Mexicano*" Steam-boat, but the very limited stay of His Majesty's Ship "*Dartmouth*" in this Harbour, and the state of the health of our Secretary, Don Rafael Gonzalez, did not enable me, by that opportunity, to lay the whole of the details before you.

I had the honour of stating to you, that during the time that Captain Jackson, of His Majesty's Ship "*Pylades*," remained in Harbour, for the purpose of investigating the very remarkable Case of the Slave-vessel "*Minerva*," he received private intelligence that 20 of her Negroes were to be clandestinely removed from the Havannah to Matanzas, in the "*Mexicano*" Steam-boat. He accordingly resolved to watch this Vessel, and on the 20th ult., almost as soon as she had put to Sea, he detained her when between the Moro and Coxemar. Having found, on searching her, that she had 20 Negroes on board, without a Government Passport for the purpose, he brought her back into this Harbour the following day, as subject to condemnation under the Mixed Commission, for having violated the 7th Article of the Instructions annexed to the Treaty.

I enclose, herewith, a Copy of Captain Jackson's Letter to the Mixed Commission, dated the 22d ult., from which, as well as from his Affidavit, also enclosed, it will clearly appear, that these 20 Negroes were bozals, and of very recent importation.

On receiving Captain Jackson's Report I immediately summoned a Court of the Mixed Commission, but unfortunately his Excellency the Intendant being very unwell with a fever, we were obliged to postpone the meeting until next day, when, although still exceedingly indisposed, his Excellency, rather than retard the publick business, proposed to have the Court held at his private house. I mention this circumstance, because it is one among many proofs which my Colleagues, the Spanish Commissioners, have given me, of their desire to obviate difficulties, and to expedite the business of this Commission.

In Mr. Kilbee's Despatch of the 31st of July 1824, he has stated to you that this Mixed Commission, in their construction of the 13th Article of the Regulations annexed to the Treaty, decided, on the 22d July preceding, that in the event of the absence of any of the Foreign Members, whose places could not be supplied *ad interim*, the remaining Individuals of the Commission should sit together as independent Judges. In pursuance of this decision, the Mixed Commission, on the Morning of the 23d ult., consisted of his Excellency the Intendant, Don Rafael de Quesada, and myself.

The Court was at first principally employed in hearing the Evidence, of which I have the honour to transmit, herewith, an Abstract, and in perusing a number of Affidavits and Memorials transmitted to us by the Captain-General, on the part of the Owner of the Steam-boat, the Owner of the Slaves, and the various Passengers or Persons who had goods on board the Vessel at the period of her detention.

Messrs. Acosta and Rollo, Don Bernardo Collozo, Don Juan Galup, and Don Joze Obando, severally transmitted Memorials and Protests, through the Captain-General, to the Mixed Commission, requesting that, as they had been in no way concerned with the cause of her detention, the provisions and other goods they had on board the "*Mexicano*" might be restored to them.

The Conde de San Fernando de Penalver likewise transmitted, through the Captain-General, a Memorial and series of Affidavits, which he had procured from his Estate in the Country, to shew that the 20 Negroes who were the cause of the "*Mexicano's*" detention, had been his property ever since the Month of January last, that they had resided from that time on his Estate near

Guanabacoa, and finally, that they were, at the period of their detention, on their way to his other Estate at Matanzas under the special care of his Attorney, Don Francisco Dias Bustamante.

I grieve, however, to be obliged to state, that, notwithstanding the Evidence and these Affidavits, I entertain little or no doubt as to these 20 Negroes having formed part of the Cargo of the "Minerva." The nature of the complaints under which they labour, which are well known to be the ordinary results of close confinement during the voyage from Africa, their total ignorance of the Spanish language, and excessive alarm at the presence of any White Person, render it almost incredible that they should have been in this Island ever since January last; even if the Person upon whose private information Captain Jackson made the seizure did not positively state them to be part of the Cargo of the "Minerva." Unfortunately, however, such is the system of terror pursued here with respect to the Slave-trade, that this Informant dared not give his testimony in Court, and, consequently, all the Evidence produced went to show, that the Conde de San Fernando had possessed these Negroes ever since January last, a period which I cannot help thinking has only been chosen in order to relieve the Owner from the consequences of the late Royal Order issued in that Month.

The Persons examined before the Commission were, the Captor, the Master of the detained Vessel, the Engineer, the Mate, and Don Francisco Dias Bustamante, who was on board in charge of the Negroes, as Steward or Attorney of the Conde de San Fernando.

Throughout the whole of these Examinations I owe it to my Colleagues to say, that they objected to only one question that I put to the Witnesses, namely, as to whether the Witness knew that these 20 Slaves had formed part of the Cargo of the "Minerva." The Spanish Commissioners stated, that if I thought the answer to this question could in any way influence my ultimate decision on the validity of the detention, and its consequences, they would not object to it, but that as no mention had been made of the "Minerva" in the course of the proceedings, except by myself, they must object to questions being put that had reference, as they thought, to matters quite foreign from those before the Court. I stated, in answer, that although I was aware that the above question might not tend to affect my decision in this Case, because this decision, to all appearance, would depend on considerations quite different; yet that I could not consent to the question being overruled, because such a proceeding might, in a Mixed Commission like this, where one of the British Commissioners was likely to be often absent, be a precedent injurious to the ordinary principles of Legal Evidence, which ought to be perfectly free. The question was accordingly put to the Witness, but as I saw, that if even the Evidence could establish the fact of these slaves having belonged to the "Minerva," of which there was not the shadow of hope, this circumstance could not affect my decision, as founded on the letter and spirit of the Treaty, I consented to close the Case, and to enter upon the discussion of the final Sentence.

From the opinion which I laid before the Court, and wherein I have endeavoured to answer every argument adduced by my Colleagues for the liberation of the Vessel, you will perceive that the fact upon which the detention was grounded, and by which its legality must be judged, namely, the want of a Government Passport, has never been disputed. In consequence of this I urged the necessity of her condemnation, according to the 3d Article of the Regulations, but the Spanish Commissioners, although they justified the detention, and even held it to be legal, so far as Captain Jackson was concerned, conceived that it ought to have no penal consequences, for the following chief reasons: First, because, although there is an ambiguity in the wording of the 7th Article of the Instructions, this Article, in their opinion, can only allude to the transportation of Slaves from one different Government to another, and not from one part of the same Island to another; and, secondly, because the Captain-General, acting upon this interpretation of the Article, has never been in the practice of granting Passports to Vessels carrying Slaves along the Coast.

In order to prove the accuracy of this latter assertion, the Spanish Commissioners proposed, that a Letter should be written by the Members of the Mixed Commission, jointly, to the Captain-General, requesting to know from him the usual practice observed with respect to the transport of Slaves by Sea from one Port of the Island to another. To this proposition I agreed, making my Colleagues at the same time understand, that his Excellency's Answer, so far as I was concerned, could not affect the Sentence of the Court, inasmuch as the fact of a violation of the 7th Article of the Instructions being once proved, condemnation of the Vessel ought to follow as a necessary consequence.

I have the honour to transmit Translations, herewith, of the Letter to the Captain-General, and of his Excellency's Reply.

My Answers to the above-mentioned Arguments of my Colleagues will be found at length in the Opinion laid by me before the Court, and of which I likewise send a Copy.

It has appeared to me that this Article 7 of the Instructions has little or no connexion with the rest of the Treaty or its Appendages, and consequently, although by Article 3 of the Regulations for the Mixed Commission, they are directed to condemn the Vessel in all Cases of legal detention, there is no explicit provision in the Treaty for the subsequent disposal of the Coasting Vessels so condemned, for the disposal of the Cargo they may have had on board, or for that of the Slaves who may have been the cause of the detention. The 7th Article of the Regulations, which authorizes the sale of condemned Vessels for the profit of the two Governments, and also the Confiscation of their Cargoes, and the Emancipation of the Slaves who may have been on board as objects of Commerce, seems to me to relate only to regular Slave-vessels coming from the Coast of Africa. I therefore found it necessary, according to my understanding of the Treaty, to decide that the "Mexicano" should be condemned, and await the future disposal of the two Governments, and that the Cargo on board, as well as the Slaves, should be returned to their respective Proprietors. In this view of the subject I signed the Sentence, restoring the Cargo and Slaves to such Proprietors; but dissented from the decision of my Colleagues as to the liberation of the Steam-Vessel. Of this Sentence I beg to enclose a Translation.

*The Right Hon. George Canning,*  
&c.                      &c.                      &c.

(Signed) W. S. MACLEAY.

First Enclosure in No. 89.

*Captain Jackson to the Mixed Commission.*

GENTLEMEN,

*H. B. M's. Ship "Pylades," Havannah, September 22, 1826.*

I BEG to acquaint you that previous to my sailing on the 20th instant, I had information that the Steam-vessel "*Mexicano*," from Havannah to Matanzas, had slaves on board, and as soon as it was practicable, I boarded her outside of this Harbour.

The Master denied having any on board, and refused to admit the Officer to search; however, I sent a party of Marines to show that opposition would be unavailing, and the result was, 20 Negroes were found secreted below, apparently of very recent importation, they having on new clothes, their heads shaved, and the Surgeon reports some of them to be in a very deplorable condition.

I sent on board, the Treaty concluded between Their Britannick and Catholick Majesties, dated 23d September 1817, and pointed out, that I detained her from a belief of his having acted in direct violation of Article 7 of the said Treaty, and assured him if he could produce any Authority for the transportation of the slaves, that I would immediately withdraw the Officer and Men from the Vessel.

He failed to do so, and only presented a Licence to sail his Vessel between Havannah and Matanzas, and declared he had no other Papers; I therefore felt I was but performing my duty in bringing her into Havannah for Adjudication before the Honourable the Commissioners of the Mixed Court.

I have the honour to be, &c.

(Signed) G. V. JACKSON, Commander.

*The Members of the Mixed Commission.*

## Second Enclosure in No. 89.

*Affidavit of the Captor.*

I GEORGE VERNON JACKSON, Commander of His Britannick Majesty's Ship "Pylades," hereby declare, that, on this 20th day of August, being near the Havannah, I detained the Steam-vessel, named the "*Mexicano*," sailing under Spanish Colours, armed with 2 guns, 9-pounders, commanded by Don Joze Lopez, who declared her to be bound from Havannah to Matanzas, with a Crew, consisting of 22 Men, and 53 Passengers, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 20 slaves, said to have been taken on board at Havannah, on the 19th or 20th of August, and are enumerated as follows, viz. :—

	Healthy.	Sickly.
Men - - - -	5	1
Women - - -	"	2
Boys - - - -	5	3
Girls - - - -	2	2

I do further declare, that the said Steam-vessel appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and Crew, on their destined voyage to Matanzas.

I do further declare, that the Master denied having any Slaves on board, and that he prevented a search being made for them, which obliged me to send greater force, when the said 20 Negroes were found secreted below, under a quantity of furniture, wood, &c. thereby convincing me that he was not ignorant of the illegality of his proceeding.

The Slaves appeared to be of very recent importation, they having on new clothes, their heads shaved, and many of them being in a deplorable condition.

(Signed) GEO. V. JACKSON, Commander.

Witnesses, (Signed) PH. HOSTE, Senior Lieutenant.  
A. D. WILSON, Surgeon.

[Here follows the List of Passengers.]

## Third Enclosure in No. 89.

*Abstract of the Evidence in the Case of the "Mexicano" Steam Vessel.*

IN addition to the Evidence of Captain George Vernon Jackson, as set forth at length in his Affidavit, Don Joze Maria Lopez deposed, that he is a Native of Ferrol, aged 35 Years, and the Master of the Steam-boat "*Mexicano*;" that in this capacity he left the Port of Havannah, on the 20th instant, in order to proceed to Matanzas, to and from which Place he is in the habit of going and returning weekly with Passengers and goods; that he was detained at the Mouth of the Harbour, about the distance of a musket-shot from the Morro, by 4 Boats of an English Sloop-of-War for the purpose of examining his Ship, and that the English separated from the different Negroes then on board about 19 or 20, on account, as the Deponent understood, of their being suspicious, and that in consequence of this he was obliged to return with the said Steam-boat into Port; that there were several slaves on board besides the above-mentioned 19 or 20, and the 2 who were employed in the Navigation of the Steam-Boat, but that he, the Deponent, cannot state the exact number because, having been detained at the Mouth of the Harbour, he had not time to form that List of the Passengers which is usually made out during the voyage; that the 19 or 20 slaves set aside by the English had no Passport from the Government; that he, the Deponent, has never required any Government Passport for Slaves, but only a Written Permission from their Owners, when these did not accompany them on board, the presence of the Master having always been deemed a sufficient authority for the transport of his slaves; that the Person who presented himself with these 19 or 20 Negroes was Don Francisco Dias Bustamante, as Attorney or Agent of the Conde de San Fernando, their Master; that he, the Deponent, never could have denied to the Captors that there were Negroes on board, because many People of Colour were to be seen on deck at the time of the Steam-boat being boarded; that with respect to the 19 or 20 Negroes being concealed, he only knows that this was not done by the Deponent, or by his order, and that he is certain that part of the said Negroes, like the rest of the Passengers, were at times on deck, and part below in the fore-castle; that as some of them were diseased, or Sea-sick, it is not unlikely that such may have remained under cover below; that he knows not whether the above mentioned 19 or 20 Negroes were *bozules* or not, because he had not time to

ascertain the fact, nor thought it necessary to make the enquiry; that at the period of being boarded, the People of Colour, both above and below, were in perfectly free communication with each other; that beside the Passengers, the Steam-Boat had on board the luggage of the said Passengers, a quantity of tasajo, and other provisions for Matanzas, as well as various merchandize; that the Owner of the Steam-boat is Don Antonio Bruzon, an Inhabitant of this City, who has appointed the Deponent to be Master, with a salary; that he, the Deponent, has been 2 or 3 Years in that capacity; that the Vessel was armed at the time of her detention with 2 guns and some swords for the purpose of defending herself against Pirates; that he has neither destroyed, concealed, or kept back any Paper; that he gave no other Paper to the British Officer than his Licence for sailing between Havannah and Matanzas; that he, the Deponent, knows not whether the Owner of the Steam-boat knew the circumstance of the 19 or 20 Negroes being on board; that never since the Deponent has commanded the Steam-boat, has he been accustomed to ask a Passport for slaves, it being sufficient for him that their Master, or his Agent, accompanied them, or that they had from these Persons a Written Permission.

JOHN GILLESPIE deposed, that he is a Scotchman, and unmarried; that he was the Engineer on board the Steam-boat "Mexicano," on her last voyage to Matanzas; that this Vessel left the Havannah on the 20th instant, and was detained by the Boats of an English Sloop about half a league from the Morro, and brought back into Port; that, as at the time of the detention, he was employed at the Steam Engine, the Deponent knew not what occasioned the Vessel being detained nor what the Captors did on board; that there were Negroes on board, but that he does not know whether they were *bozales*; that all the Deponent's attention was given to the Engine, and that, consequently, he knew nothing beyond what he had stated.

DON JAYME ESCANDELL deposed, that he was Mate of the Steam-Boat "Mexicano," at the period of her last voyage to the Matanzas; that she sailed from the Havannah on the 20th instant, at 6 o'Clock in the Morning, according to custom; that the said Vessel was boarded and detained by 3 boats of the English Sloop-of-War "Pylades," at about the distance of a cannon-shot from the Morro; that the Officer commanding these Boats came on board for the purpose, as this Deponent learned from certain of the Passengers, who understood English, of examining the said Steam-boat, and of ascertaining whether there were slaves on board; that in fact the said Officer searched the whole Vessel, and separated from the rest about 19 or 20 Negroes; that this Deponent cannot state the exact number, he having at the time been otherwise employed; that he is ignorant whether the English Officer asked for any Passport; that the said Negroes carried no Passport with them; that it is not the custom for slaves to get Government Passports for the voyage from Havannah to Matanzas, a written Order from the Owners being sufficient when these do not accompany them; that he, the Deponent, knows not who is the Master of these Negroes in question; that he knows not the names or the number of Passengers on board, because the list of them is made out, not at the time of their going on board, but during the voyage; that he knows no Person that is a Proprietor, or has any interest in this Vessel except Don Antonio Bruzon; that the Captain of the Steam-Vessel did not refuse either to deliver up his Papers to the English Officer, to allow him to search the Vessel, or to shew him the Negroes on board; that neither at the period of boarding, nor afterwards, did the Deponent see any Person present himself to the English Officer, as the Owner of these 20 Negroes, or as the Person having charge of them; that he did not see these Negroes either conceal themselves, nor any Person conceal them; that these Negroes were in the fore-castle like all the other People of Colour, that some of them were on deck and others below; that he, this Deponent, knows not how these Negroes may have been disposed of at the time the Vessel was boarded by the English; that the English Officer experienced neither difficulty or delay in informing himself as to the Negroes on board; that the Deponent does not believe these Negroes to have been *bozales*, although he cannot be positive on the subject; that the Deponent knows not that any of the slaves on board the Steam-boat formed part of the cargo of the "Minerva," respecting which Vessel he knows nothing; that he was appointed Mate by Don Antonio Bruzon, about 10 Months ago; that the Master is Don Joze Lopez, whom the Deponent found acting in that capacity when he first entered into the service, and that the Steam-boat is armed with 2 guns, 19 muskets, and some small arms.

DON FRANCISCO DIAS BUSTAMANTE deposed, that he is a Native of Santander, and now an Inhabitant of this City; that he is unmarried and a dependent on the House of the Conde de San Fernando; that on Sunday the 20th instant, he proceeded in the Steam-boat "Mexicano" for Matanzas, taking with him 20 slaves of the aforesaid Conde, to place them on an Estate of his in the above vicinity; that the Steam-boat was boarded by the Boats of an English Sloop of War, whose Commander having insisted on examining her, and fallen in with the above-mentioned Negroes, detained the said Steam-boat, and brought her back into Harbour; that the said slaves had no Passport from the Government, it not being the custom to require any such Passport for removing slaves from one Estate to another, even although by Sea; that the Negroes were in the fore-castle when the English Officer came on board, and the Deponent was on the poop, by reason of which he knows not whether all or some of the slaves may not at that time have been below and under cover; that he knows not from whom the Conde de San Fernando bought the said Negroes, but that he recollects that they were placed by him so long ago as the Month of January last, on the Estate of Jesus Maria, situated in the District of San Geronimo, and Jurisdiction of Guanabacoa; that they were placed there for the purpose of being taken care of until further orders, as is affirmed by various Affidavits in the Statement produced before the Commission, in the name of the said Conde; that he, the Deponent, knows not if they can speak any Spanish, because they were not under his immediate care on the Estate; that he is ignorant whether they are Christians or have been baptized; that he knows that some of them are at this moment afflicted with an inflammation of the eyes.



## Fourth Enclosure in No. 89.

(Translation.)

*Affidavits respecting the Negroes found on board the "Mexicano."*

IN the District of San Jeronimo de Penalver, Jurisdiction of Guanabacoa, on the 23d of August 1826, before me, Don Justo Lopez, Knight of the Royal and Military Order of San Emenegilda, Captain of Infantry, attached to the principal Staff of the most faithful City of the Havannah, one of the Petty Judges of the aforesaid District, by Commission from his Excellency the Governor-General, &c., and before my Assessors duly sworn, Don Pedro Dominguez, and Don Sebastian Echabarría, has appeared the Presbyter, Don Manuel de Torres, Chaplain of the Sugar Estate Jesus Maria, belonging to the Conde de San Fernando de Penalver, to whom I administered the Oath according to the formula of his Ministry, upon which he engaged to speak the truth, and having then read the Warrant for this judicial Process, he said, that in the Month of January of this present Year, there came to this Estate 20 Bozal Negroes, of both sexes, for the purpose of being cured of their diseases, and that Don Francisco Dias Bustamante committed them to his care, in order that, if any of them should happen to die, it might not be before they had received the Holy Sacrament of Baptism; and the said Presbyter being asked if he recollected the day that these Slaves were taken from this Estate to be carried in the Steam-Boat "Mexicano" to Matanzas, said, that he does not recollect the precise day that they were taken from the Estate, but that it was some day in the course of last Week, and then having affirmed, that what he had said is the truth according to the Oath he had taken, he read this Declaration over, and having stated it to be in exact conformity with his evidence, he signed and ratified it as below with me and my Assessors.

MANUEL DE TORRES.

(Signed) JUSTO LOPEZ.  
PEDRO DOMINGUEZ.  
SEBASTIAN DE ECHABARRIA.

ON the same day of the aforesaid Month and Year likewise appeared before me and my said Assessors, the Licentiate, Don Francisco Valdes, to whom I administered the Oath in form, which he took by God and the Holy Cross, under which he engaged to speak the truth, and accordingly declared, that his name is Francisco Valdes; that he is a married man, aged 40 Years, by profession a Surgeon, which profession he now exercises on this estate, to which, in the Month of January last, there came 20 Bozal Slaves, 14 males and 6 females; that these Slaves were placed in the Infirmary, under the Deponent's care, for the purpose of being cured of certain diseases that afflicted them, such as diarrhæa and ophthalmia, or inflammation of the eyes; that these Slaves had remained in the said Infirmary until last week, when he, the Deponent, was consulted as to their being in a fit state to remove to the Sugar Estate Alcansia, in the Jurisdiction of Matanzas; and, although 4 or 5 of them were not quite recovered from the complaint of the eyes, the Deponent stated, that he saw no objection to their being removed, which was accordingly done; and then the Deponent having affirmed that what he had said is the truth, according to the Oath he had taken, read this Deposition over, and having stated it to be in exact conformity with what he had said, he signed and ratified it as under, with me and my Assessors.

(Signed) JUSTO LOPEZ. (Signed) FRANCISCO VALDES.  
PEDRO DOMINGUEZ.  
SEBASTIAN DE ECHABARRIA.

Here follow three similar Affidavits, viz:—

1. Of Don Andres Burgotto, the Owner of the Estate, who gave the written order for the said 20 slaves being taken to Don Francisco Dias Bustamante, in the Havannah.
2. Of Don Juan Casablanca, who conducted them from the Estate to the Havannah.
3. Of Don Manuel Diaz, a neighbour, who deposes that he knows these 20 Negroes, and saw Don Juan Casablanca conducting them to the Havannah.

## Fifth Enclosure in No. 89.

(Translation.)

*The Mixed Commission to the Captain-General.*

SIR,

Havannah, August 29, 1826.

IN consequence of the discussion which has taken place in this Commission, respecting the detention of the Steam-Boat "Mexicano," by the English Sloop-of-War "Pylades," and of the application to this Case of Article 7 of the Instructions annexed to the Treaty, we have agreed to request, that your Excellency will direct your Secretary of the Police Department to certify to us, whether, in the cases of slaves being transported by Sea from the Havannah to the Estates of their Masters, or from one Estate to another, it has been the custom to deliver Passports for the purpose, or whether it was quite sufficient that these slaves had a written Permission on the part of their Master, on every occasion that this Person or his Agent did not accompany them.

(Signed) CLAUDIO MARTINEZ DE PINILLOS.  
RAFAEL DE QUESADA.  
W. S. MACLEAY.

His Excellency the Captain-General.

Sixth Enclosure in No. 89.

(Translation.)

*The Captain-General to the Mixed Commission.*

GENTLEMEN,

Havannah, August 29, 1826.

IN reply to your Letter of this date, requesting to know whether, in the event of slaves being transported by Sea from the Havannah to the Estates of their Masters, or from one Estate to another, it has been the custom to issue Passports for that purpose, or whether it has been deemed sufficient that such slaves had the Permission of their Owners, when these Persons or their Attorneys did not accompany them; I have to inform you, that by Article 1st, Part 2d, of the last Regulation of the Consulado respecting runaway slaves, and by Article 10 of the Instructions for the *Capitanes de Partidos*, the Owners of Slaves, or even their Overseers, are authorised to grant written Licences for travelling, to their slaves, without which Licences they are considered as runaways.

With reference to the above Regulations, Owners, or their Overseers, grant written Permissions to their slaves, which authorise them, as well to travel along the high roads as to go from one Estate to another, and those Proprietors whose Estates are situated near the Sea, send their slaves by Coasting-Vessels, with a permission similar to that which is used for passing them by Land.

God preserve you many Years.

The Members of the Mixed Commission.

(Signed)

FRANC<sup>o</sup>. DION<sup>o</sup>. VIVES.

Seventh Enclosure in No. 89.

*Opinion of His Britannick Majesty's Commissioner of Arbitration.*

THE "*Mexicano*," a Passage Steam-boat sailing under Spanish Colours, was, on the 20th day of this Month, while on her Voyage from Havannah to Matanzas, detained between the Morro and Coxemar, by His Britannick Majesty's Sloop "*Pyrlades*," Captain Jackson, on a charge of having violated the 7th Article of the Instructions annexed to the Treaty, and having thus become liable to condemnation under this Mixed Commission.

There are several discrepancies in the Evidence before the Commission, but none that in my opinion any way affect the main fact on which this detention has been grounded, and by which alone it must be declared lawful or not. This fact is, that 20 slaves were in the Steam-vessel at the time of her detention, on their way from Havannah to Matanzas, without the Vessel being provided with a Passport from the Government on the spot, furnished *ad hoc*. This is allowed on all sides to have been proved by the Evidence.

It appears to me also from the Evidence, that the slaves were concealed, or at least that delay and difficulty were placed in the way of the British Officers when searching for them, and that, while the other Slaves or Negro Servants on board were claimed by their respective Masters or Mistresses, these 20 were not so claimed. All this would go to shew a consciousness of there being some impropriety connected with them, which may possibly have been the deficiency of a proper Passport. There is no Evidence before the Court, however, to shew otherwise than that they are the property of the Conde de San Fernando, and were, when detained, on the passage from one of his Estates to another; and, therefore, as such property I am bound to consider them.

By Article 1. of the Regulations for the Mixed Commission, they are to judge according to the letter and spirit of the Treaty. Now with respect to the intentions of the High Contracting Parties who signed the Treaty, it is most clear, both from the whole of the tenour of this, and from the tenour of the Laws now existing, whether Spanish or British, relative to the Slave-trade, that it was the most anxious desire of their Britannick and Catholick Majesties, in signing that Treaty, to extinguish by its means this inhuman Commerce. Such being the spirit of the Treaty, it appears to me, that when two different passages of it are deemed to be in any degree conflicting as to their signification, we should adopt, as our guide, that passage the signification of which is the most in harmony with this spirit; so that, if one passage should distinctly authorize the detention of Coasting Vessels, having slaves on board, and another seem not so much to justify it, we ought to consider that passage which, by authorising the detention of such Vessels, agrees most with the grand object of the Treaty, that is, the abolition of the Slave-Trade, to be the true rule of our proceedings.

This remark I make when, supposing for a moment that, as has appeared to one of my Colleagues, there is a disagreement between certain passages of the Treaty, as, for instance, on the one hand, Article 10 of the Treaty, which says, "in order to render lawful the detention of any Ship, whether Spanish or British, the slaves found on board such Vessel must have been brought there for the express purpose of the Traffick;" also paragraph 2 of Article 1 of the Instructions, which says, "Ships on board of which no Slaves shall be found, intended for purposes of traffick, shall not be detained on any account or pretence whatever;" and, on the other hand, Article 7 of the Instructions, which stipulates that "no conveyance of Slaves from one Port in the Spanish Possessions to another shall take place, except in Ships provided with Passports from the Government, on the spot, *ad hoc*."

In paragraph 2 of Art. 1 of the Instructions, as above cited, I may observe, that owing to the punctuation of the Treaty, as signed in English, there is an ambiguity which does not occur in the same Treaty as signed in Spanish, since the former may leave us in doubt whether it is "Ships intended for purposes of traffick, on board of which no slaves shall be found," or whether it is, as the Spanish Copy of the Treaty expressly says, "Ships on board of which shall be found no slaves intended for the purposes of traffick," that are not to be detained. This ambiguity merits attention, because, if it be said that the meaning of the Article is, as may seem from the English punctuation, that Ships intended for purposes of traffick, that is Merchant-Ships, on board of which shall be found no slaves, are not to be detained, it is most clear that we have this paragraph in complete agreement with Art. 7 of the Instructions. If the other meaning be given to the paragraph, which it must be allowed is the only one it is susceptible of, according to the Treaty as signed in Spanish, then we are to understand, that no Ship is to be detained that does not contain Negroes destined for the traffick, a provision which, if taken to relate to all Ships whatever, is indubitably at variance with Art. 7 of the Instructions.

That this provision, however, does not relate to all Ships of whatsoever kind, can be shown, as follows:—

It is most evident, from its first line, that the whole of Art. 10 of the Treaty, relates to regular Slave-ships coming from the Coast of Africa, and, consequently, has not the least reference to Coasting Vessels from Port to Port of the Spanish Possessions, which may, like the "Mexicano," have slaves on board, without the proper Passports. The same observation holds good with respect to Art. 1 of the Instructions, namely, that it also has reference only to Ships regularly fitted out for the Slave-trade, and as all the secondary paragraphs of an Article have a reference to the primary one, it follows that, taking the Treaty as signed in Spanish, the meaning of the 2d paragraph, Art. 1 of the Instructions, is, that "Slave-Ships, on board of which no slaves shall be found intended for purposes of traffick, shall not be detained on any account or pretence whatsoever." Indeed, that this is the true interpretation of Art. 10 of the Treaty, and of the paragraph 2 of the Instructions, sufficiently appears from these being the very provisions, which, in the opinion of both Governments, required alteration, and which accordingly gave rise to the Additional Articles signed in 1822, and lately confirmed by His Catholick Majesty.

Consequently there is no contradiction between the terms of Art. 10 of the Treaty, and paragraph 2, Art. 1 of the Instructions, which relate solely to regular Slave-vessels, and those of Art 7 of the Instructions, which Article refers to Vessels not in the regular Slave-trade. Indeed, it is impossible to suppose that the High Contracting Parties should not have observed in these short Instructions so obvious an inconsistency as would result from making Article 10 of Treaty, paragraph 2, Art. 1 of Instructions, and Art. 7 of Instructions, all refer to the same kind of Vessels. I, therefore, conceive that Art. 7 of the Instructions remains clear and uncontradicted, by any previous or subsequent part of the Treaty and its Appendages.

Thus, the main question before the Commission relates entirely to the legality of the detention of the Steam-boat, under Art. 7 of the Instructions, for, if the Commander of the "Pylades" be justified under this Article, I hold, from what has been already said, that no other passage of the Treaty can be brought forward to invalidate the detention.

But, before I consider the legality of this detention, it is necessary, from observations made in Court, that I should acknowledge that the Detainer seems to me to have erroneously connected the 3d paragraph of Art. 1 of the Instructions with Art. 7, inasmuch as he conceived it to be his duty, under the said paragraph, not to require Passports for 2 Negro Servants, that appear to have attended their Master on board, or at least, to have allowed all the Passengers, whether white or coloured, whom he found on deck, to go on Shore, whereas, in my opinion, there cannot be the least doubt that the true interpretation of the Treaty required that he should have only looked to Art. 7 of his Instructions, under which he detained the Vessel, and have insisted on a Government Passport being shewn to him by the Captain of the Vessel for all the slaves that might have been on board.

I find, however, that the Detainer's application to Vessels of all descriptions, of paragraph 3, Art. 1 of his Instructions, is perfectly analogous to the opinion of one of my Colleagues, who thought that paragraph 2, Art 1 of the Instructions, relates to Vessels of all descriptions. If one of these paragraphs relates to other Vessels than regular Slave-ships, then the other must also. But it is my firm opinion that neither have the least reference to the Case of a Vessel carrying Negroes from one Spanish Port to another, and consequently that by Art. 7, as was said before, any Ship with slaves on board, passing from one Spanish Port to another, without Passports from the Government on the spot, is liable most decidedly to detention.

It has been contended, however, by my Colleagues, that this Art. 7 relates only to the transfer of Negroes from one Spanish Possession, such as Puerto Rico to another, such as Cuba, but the words are clear, "*from one Port of the Spanish Possessions to another*," that is, for instance, from the Havannah, a Port of Cuba, and consequently a Port of the Spanish Possessions, to another, Matanzas, likewise a Port of the Spanish Possessions. It is true that the Article applies also to the transfer of slaves from any Spanish Port, such as Puerto Rico to another, as the Havannah; but I do not see how, from the Spanish or English Copy of the Treaty, it can be contended, that this Steam-vessel was not, when detained, in the act of transporting Negroes from one Port of the Spanish Possessions to another. It might, perhaps, be said, that this detention is even more valid, according to the letter of the Treaty, than the detention of slaves passing from Puerto Rico to the Havannah would be, for the words in the Spanish Treaty are, "*del Gobierno de aquel Territorio*," and not "*de los Gobiernos de aquellos Territorios*," words that would, in my humble opinion, have more clearly applied to the transfer of Negroes from one Island to another having different Governors.

In every question of this nature, the spirit of the High Contracting Parties in signing the Treaty will be an excellent guide. Now, I conclude that it was the intention of Spain to destroy every opportunity of subterfuge, and consequent escape from just condemnation, on the part of

Slave-traders; and that, therefore, His Catholick Majesty determined to permit no slaves to pass from one of his Ports to another, in Ships unprovided with Passports for that purpose, thereby preventing the facilities which regular Slave-vessels on the Coast would have by their means for landing their Negroes.—By this Article 7, His Catholick Majesty may have intended to prevent such a case as a Slave-Vessel, just arrived from Africa, placing Negroes on board the Steam-boats, and so procuring their clandestine entry into the Havannah, a case that has been publicly said to have occurred; whereas, were all Vessels transporting slaves provided with Passports from the Authorities of the Port from which they sailed, there could be no such collusion between Coasting Vessels and Slavers. From these circumstances, and the ardent desire which, in his late Decrees, His Catholick Majesty has shewn to destroy this Traffick, I infer that it was really his intention, by Article 7 of the Instructions, to prohibit any transportation of Slaves by Sea, without Passports for that purpose.

And that it was in this same spirit that the British Government concluded the Treaty I infer, not only from the detestation with which this Government is known to the civilized World to view every thing that aids the Traffick; but from the whole tenour of the analagous Article of that Treaty, which was concluded in 1817, between His Britannick and Most Faithful Majesty, for the attainment of the same object.

Now it is, on all sides, agreed, that the "*Mexicano*" had no passport from the Government of the Havannah for the 20 slaves belonging to the Conde de San Fernando, and whom this Steam-vessel was transporting from Havannah to Matanzas; she was therefore legally detained, according to the Instructions in the possession of the Detainer.

But it is said, that the Government of this Island has never been in the practice of giving Passports to Ships transporting Slaves from one Port to another. As, however, it can never be urged that the habitual infraction of a solemn Treaty justifies any particular Case of infraction when detected, it is impossible not to allow that the penalties attendant upon detection, according to the Treaty, have been justly and legally incurred by this Steam-boat.

One of my Colleagues has urged, that this Article 7 of the Instructions is only a precautionary or preventive one, not carrying any penalty along with it beyond the mere detention, and that, consequently, although the Commander of the "*Pylades*" was authorized by his Instructions to detain the Steam-vessel, no further penal consequences ought to ensue. Now true it is, that this Article 7 of the Instructions appears to me to be the only Article, either in the Treaty or its Appendages, which clearly authorizes the detention of other Vessels than regular Slave-traders. But I cannot perceive how this circumstance should in any way destroy all the penal consequences attendant upon detention. It is perfectly understood, that the detention of a Spanish Vessel on the Coast of Cuba, by a British Cruizer, can fall under the cognizance of no other Tribunal than this Mixed Commission. Now the 3d Article of the Regulations for the Mixed Commission, that is, the *general Regulation* for their proceedings, states as follows, that the Commissioners shall proceed to examine Papers and receive depositions, in order to be able to judge and to pronounce if the Vessel has been justly detained or not, according to the Stipulations of the Treaty; "and, in order that, *according to this judgment*, it may be condemned or liberated," I am clearly, therefore, of opinion, that, if the detention of the "*Mexicano*" be deemed just and legal by the Mixed Commission, Condemnation must follow, as the necessary consequence, according to Article 3 of the Regulations.

It has been said by my Colleagues, that the above interpretation of the Treaty is so severe, that it would subject any Vessel to condemnation which had two or three slaves on board, without Passports from the Authorities on the spot. On this head I would observe, first, that I know not but that such may have been the intention of the High Contracting Parties, in order to destroy the possibility of Coasting Vessels entering into collusion with Slave Vessels just returned from the Coast of Africa; and secondly, that, in giving my opinion on the legality of a detention, I do not feel myself entitled, in any way, to discuss how far the provisions of the Treaty may be severe, and much less to swerve, from what I may judge, to be the obvious meaning of the Articles. I am very willing, if my Colleagues desire it, that this matter should be submitted to the consideration of our respective Governments; but, so far as I am concerned, I have not the least authority to make alterations or modifications, that, in my opinion, can only be effected by the High Contracting Parties.

I now come to the question of the Slaves and Cargo, that, according to the evidence, have been detained on board the "*Mexicano*." Article 7 of the Regulations seems, at first sight, to be applicable to this subject, when it stipulates, that, "in the Case of the condemnation of a Vessel for an unlawful voyage, she shall be declared lawful Prize, as well as her Cargo, of whatever description it may be, with the exception of the Slaves, who may be on board as objects of Commerce, and who are therefore to be emancipated." My Colleagues have said, that this voyage of the Steam-boat was not unlawful, inasmuch as she was provided with a Licence to sail from Havannah to Matanzas; but, as all the regular Slave-vessels condemned by this Commission have had Licences to sail for the Coast of Africa, and have rendered their voyages home unlawful, by taking slaves on board, so the voyage of the "*Mexicano*" became unlawful, so far as concerns this Mixed Commission, the moment she took slaves on board without a proper Passport. If, therefore, this Article 7 of the Regulations be held to apply to all Ships, whether regular Slave-Vessels or not, the consequence would be, that the Cargo on board must be condemned, and the Slaves, who may have been on board as objects of Commerce, must be emancipated. Now it appears, from the evidence, that the Cargo of the "*Mexicano*" belonged, as might be supposed in a Passage-Vessel, to the Passengers and other Persons, in no way connected with the illicit part of this transaction; and it moreover appears, that the slaves who have been detained were on board, not as objects of Commerce, but merely for the purpose of being transported from one Estate of their Master to another. The result of this is, that, were we to hold Article 7 to apply to the "*Mexicano*," the Cargo, consisting of the property of Individuals wholly unconcerned with the illicit part of the transaction, must be condemned, and the slaves, although the very cause of the detention, not

being on board as objects of Commerce, must be returned to their Master—a consequence so monstrous, and obviously unjust, that I have no hesitation in stating my opinion, that Article 7 of the Regulations does not apply to all Vessels, but only to regular Slave-traders.

My view of the Regulations for the Mixed Commission is as follows: Article 3 is a general Article, authorizing them to decide on the legality or illegality of all cases of detention whatsoever, Article 4 then begins the particular Specification of the line of duty they are to pursue, with respect to the ordinary cases of the infraction of the Treaty, namely, regular Slave-vessels, and the following Articles, down to Article 10, relate to the same department of illicit Slave-trade; that is, not in any way to such a peculiar and difficult Case as this of the "Mexicano." It may then be asked, what ought to be done, according to the Treaty, with the Cargo and Slaves detained on board? My decided feeling on the subject is, that they ought to be returned to their respective Proprietors, for the Treaty does not in my humble opinion seem to have made any provision for this very novel Case of Detention, so far as the Cargo and Slaves are concerned. It is my duty to act upon the Treaty as I find it, and according to the interpretation, which I may think its Articles most obviously bear, not to attempt to remedy what may possibly be its defects.

I conclude, therefore, in stating to my Colleagues, that, according to the Treaty, it is my opinion, that the "Mexicano" was justly detained, and therefore must be condemned, and that she ought, as the Article 7 of the Regulations does not apply to such Vessels, to be placed forthwith at the disposition of the two Governments, for them to take such future measures with respect to her, as they may judge proper. With respect to the Cargo and Slaves on board, it is my opinion, that they ought forthwith to be restored to their respective Proprietors.

(Signed) W. S. MACLEAY.

#### Eighth Enclosure in No. 89.

(Translation.)

#### *Sentence of the Mixed Commission in the Case of the "Mexicano."*

HAVING considered the Proceedings of this Court, with respect to the detention of the Steam-boat "Mexicano," by the English Sloop-of-War "Pylades," having before us the Evidence furnished by the different Parties, and likewise the Information given by his Excellency the Captain-General in his Letter of yesterday, with reference to the Municipal Regulations, and to the practice in consequence of such Regulations, observed in cases of slaves being passed from this City to the Estates of their Masters, or from one Estate to another, such as was the particular Case, with respect to this Steam-boat, in which were 20 Negroes belonging to the Conde de San Fernando, who, after having kept them on his Sugar Estate *Jesus Maria*, District of Guanabacoa, was forwarding them, under the care of his Attorney, to his other Sugar Estate, called *La Alcancia*, in the District of Matanzas, and considering that there is no proof that these Negroes were on board the Steam-boat for the express purpose of the Traffick; we, the Undersigned, unanimously declare, (the English Commissioner referring for the reasons of his particular Opinion to the Document which has been laid by him before the Court), that the said 20 Negroes ought to be restored to their Owner, and that the same rule ought to be adopted with respect to the cargo, of every description, that might have been on board the detained Vessel at the period of her detention.

Besides which, we, the Spanish Commissioners, have taken moreover into consideration, that Article 7 of the Instructions annexed to the Treaty, appears only applicable to Voyages beyond Sea, from one Port to another of different Provinces, without being capable of an extension to Voyages only Coasting, and which take place by Sea, from one point of the Island to another only for greater convenience, since similar Journeys may also be performed by Land; considering likewise, that, by means of such Coasting Voyages, Proprietors supply their Estates with necessaries, while they also make them serve for the transportation of their crops, without their being liable to examination, or any other formality; considering also, that, as the Steam-boat was proceeding to her destination, under the confidence and good faith resulting from this known practice, we, the said Spanish Commissioners, absolve her forthwith, directing that she be freely delivered up to her Captain; although it must be observed, that on this last head the British Commissioner has dissented from the decision of the majority of the Court, and has stated the reasons for his peculiar Opinion in the above-mentioned Document.

And finally, we, the Undersigned, unanimously declare, that, according to the Letter addressed to the Mixed Commission by the Captor, there having been considered, on his part, to be cause, at least sufficient, to subject the Vessel to detention, he, the said Captor, is not responsible for the damages that may have resulted from it. Let all those concerned be informed of this Sentence, and let it be communicated Officially, with a Copy, to his Excellency the Captain-General, in order that it may be duly executed.

(Signed) CLAUDIO MARTINEZ DE PINILLOS.  
RAFAEL DE QUESADA.  
W. S. MACLEAY.  
RAFAEL GONSALEZ, Secretary.

Havannah, 30th August 1826.

No. 90.

*W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received Dec. 8.)*

Sir,

*Havannah, September 30, 1826.*

ON the 29th ult., His Majesty's Ship "Aurora," of 46 guns, commanded by Captain C. J. Austen, when in the immediate vicinity of Santiago de Cuba, detained the Spanish Brigantine "*Nuevo Campeador*," alias the "*Argus*," Juan Botel, Master, sailing at the time under Dutch Colours, and having 263 slaves on board. On searching her, Captain Austen found that she was provided not only with the usual Spanish, but also with a set of Dutch Papers, to serve for her protection, as the Master stated, from South American Privateers. The Vessel, however, clearly belonged to Santiago de Cuba, and was declared by the Master to be bound to that Port from Old Calabar, on the Coast of Africa, where she had taken on board 300 or 306 Negroes. About 40 of these had died on the passage from Africa, previous to her being captured, and the health of the 263 survivors was in such a deplorable state, that the Surgeon of the "Aurora" urged the necessity of immediately landing 36 of the most sickly, as well on account of the impossibility of these poor creatures being able to support the voyage to the Havannah, as in order to preserve the lives of the rest. Captain Austen, after some difficulty and delay, persuaded the Governor of Santiago de Cuba to take charge of these 36 Negroes, and to give a Receipt for them. The "Aurora" then left that Port with the Brigantine, and the remaining Negroes, for the purpose of having the Case adjudicated by the Mixed Commission here established.

While in the Harbour of Santiago de Cuba, Captain Austen was induced, by motives of humanity, to permit the Master, who was also the ostensible Owner of this Slave-vessel, to go on Shore, in order to visit his wife, who was reported to be in a dying state, he giving his solemn promise to return; instead of this, however, he took the opportunity of escaping from the City into the interior, as did subsequently also the greatest part of the Crew. Captain Austen, nevertheless, brought the Mate and 5 others, out of a Crew consisting, at the period of capture, of 21 men, into this Port, where he arrived on the 20th instant, after having lost 8 of the Negroes by sickness, on the passage from Cuba; 2 more died in this Harbour, so as to reduce the whole number of Negroes, delivered here into the care of the Person appointed by the Captain-General to receive them, to 217, of whom 6 have died since the disembarkation. Certificates of the deaths that took place during the time that the Negroes were under the charge of Captain Austen were delivered in by him with the other Papers.

The Mixed Commission, consisting of the two Spanish Commissioners and myself, having received the Affidavit of the Captor, and the Depositions of the Mate, and 3 of the Crew of the Slave-vessel, issued, on the 27th instant, a Decree condemning the Vessel and Cargo, and emancipating the Slaves, as well those landed at Santiago de Cuba, as those at the Havannah. I am truly happy to state, that this Case offered not the slightest difficulty, the Spanish Commissioners manifesting throughout the greatest desire to act up to the spirit of the Treaty.

I have the honour to transmit a Copy of the Letter addressed by Captain Austen to the Mixed Commission, and of his Declaration, with an Abstract of the Evidence, and a Translation of the Decree of the Court. I likewise forward Translations of the Letters addressed by the Mixed Commission to the Captain-General, on the subject of the 36 Negroes left in Santiago de Cuba, and of the Answer returned by his Excellency, in which he undertakes to secure their freedom as decreed by the Mixed Commission.

It appears, by Memorandums endorsed on the Papers of this Slave-vessel, that she was visited by the Boats of His Majesty's Ship "Maidstone," at the Mouth of the Calabar, on the 30th of June last.

I have the honour to be, &amp;c.

*The Right Hon. George Canning,*  
&c.                      &c.                      &c.

(Signed) W. S. MACLEAY.

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## First Enclosure in No. 90.

*Receipt of the Governor of Santiago de Cuba, for 36 Negroes.*

RECEIVED by me, Don Isidore Barradas, Governor of Santiago de Cuba, at the earnest request of Charles John Austen, Esq. Captain of His Britannick Majesty's Ship "Aurora," the under-mentioned slaves, belonging to the Brigantine Schooner "Nuevo Campeador," captured by that Ship, and brought into the Port of Santiago de Cuba in consequence of the very sickly state of the slaves on board the said Schooner, which renders it absolutely necessary they should be landed, for the preservation of the health of the remainder of the slaves on their passage to the Havannah, to which Place she is bound for adjudication, as also that these unfortunate and wretched beings may receive the benefits of the Rites of the Church.

Men 23, women 6, boys 6, girl 1,—Total 36. (Signed) ISIDORE BARRADAS.

On Board His Britannick Majesty's Ship "Aurora," September 4, 1826.

## Second Enclosure in No. 90.

*Captain Austen to the Mixed Commission.*

HONOURABLE GENTLEMEN,

His Britannick Majesty's Ship "Aurora,"  
Havannah, September 29, 1826.

I BEG leave to acquaint you with my arrival at this Port in His Majesty's Ship under my command, with the "Nuevo Campeador," Spanish Brigantine, detained off St. Jago de Cuba, having at that time on board 263 slaves, from the Coast of Africa; for the further particulars of which I beg leave to refer you to the Documents which I have delivered to the British Commissioner, consisting of my Affidavits and other Papers, all of which are endorsed by me.

I beg leave to add, that Juan Botel, the Master of this Slave-vessel having represented to me by Letter (whilst we were lying in Santiago de Cuba, for the purpose of landing the sick Negroes which, after a long Correspondence with the Governor of that Place, I was enabled to do), that his Wife was dangerously ill, and earnestly entreated me to allow him to go on Shore to see her, I was induced on the score of humanity to allow him to do so, and have never seen him since, though I waited some hours in the Port for that purpose.

I have, &c.

(Signed) CHARLES JOHN AUSTEN.

The Members of the Mixed Commission.

## Third Enclosure in No. 90.

*Declarations of the Captor.*

I, CHARLES JOHN AUSTEN, Captain of His Majesty's Ship "Aurora," hereby declare, that, on the 29th day of August 1826, being in or about Latitude 19. 46. North, Longitude 75. 56. West, I detained the Brigantine Schooner "Nuevo Campeador," sailing under Spanish Colours, but at the time of capture having Dutch Colours hoisted, armed with 1 eight-pounder, 24 muskets, 4 pistols, commanded by Juan Botel, who declared her to be bound from the Coast of Africa to St. Jago de Cuba, with a Crew consisting of 21 men, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 263 slaves, remaining from 300 said to have been taken on board at Old Calabar, on the Coast of Africa, 37 having died on the passage to St. Jago de Cuba: they are enumerated as follows, viz:—

	Healthy.	Sickly.
Men - - - -	156	2
Women - - -	47	6
Boys - - - -	37	"
Girls - - - -	14	1
Total	254	9

I do further declare, that the said Schooner appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the Negroes and Crew for their destined voyage to Saint Jago de Cuba, but completely inadequate for their sustenance from this Place to the Havannah.

# HAVANNAH.

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I do further declare, that the state and condition of the health of the slaves has been represented by the Surgeon to me, to be so generally bad, as, in his opinion, absolutely to require their being landed so soon as it may be practicable to do so.

(Signed) CHARLES JOHN AUSTEN.

Witnesses. (Signed) J. V. D. LARCOM, Senior Lieut. of His Majesty's Ship "Aurora."  
H. STOPFORD NIXON, 2d Lieut. of His Majesty's Ship "Aurora."  
JAMES OSBORNE, Surgeon of His Majesty's Ship "Aurora."

[Here follows the List of the Crew of the Schooner "El Nuevo Campeador."]

I, CHARLES JOHN AUSTEN, Captain of His Britannick Majesty's Ship "Aurora," do further declare, that the Surgeon finding the state and condition of the health of the slaves so generally bad, as, in his opinion, absolutely to require their being landed so soon as it may be practicable to do so; and I further considering, that the time which must elapse before they could have reached the Havannah, to which Place it is my intention to carry the Schooner for adjudication, would in all human probability be attended with very fatal consequences to the lives of a large proportion of the Negroes; I did, therefore, on the 4th day of September 1826, disembark the following 36 slaves at Santiago de Cuba, where they now remain.

	Healthy.	Sickly.
Men - - - -	"	23
Women - - -	"	6
Boys - - - -	"	6
Girls - - - -	"	1
Total	"	36

(Signed) CHARLES JOHN AUSTEN.

Witnesses, (Signed) J. V. D. LARCOM, Senior Lieut. of His Majesty's Ship "Aurora."  
JAMES OSBORNE, Surgeon of His Majesty's Ship "Aurora."

## Fourth Enclosure in No. 90.

### *Abstract of Evidence.*

HENRY SCHOTSZ, a Protestant, deposed, that he is a Native of Hamburgh, aged 32 Years, unmarried, and by profession a Seaman; that he served lately as Mate on board the Brigantine Schooner "El Nuevo Campeador;" that he arrived in this Port of the Havannah in the said Brigantine, which has been captured and carried in here by the English Frigate "Aurora," on account of their having been found on board a Cargo of Bozal Negroes, proceeding from the Coast of Africa, and destined for the Province of Cuba; that this Vessel sailed from Cuba, on the 30th May of this Year, the Deponent believing at the time, according to the Declaration of the Master, that she was bound to the Portuguese Island Del Principe; but that instead of this the Vessel proceeded straight to the River of Calabar, on the said Coast, where the said Master commenced a Traffick of Slaves, and obtained about 300, with whom he set sail for the said Province of Santiago de Cuba, near which Port the Schooner was captured; that the Master and Owner of the Schooner was Don Juan Botel, a Spaniard by birth, who was on board at the time the Vessel was captured by the English Frigate; that the Deponent is ignorant where the said Botel now is, because the Crew when taken were separated, the said Captain Botel being taken on board the Frigate, and this Deponent remaining on board the Schooner to take care of the Negroes; that he, this Deponent, can, however, state that, according to what he heard, the said Juan Botel remains on Shore at Cuba; that there were 263 Negroes on board at the time of the capture, the others having died on the passage from Africa to Cuba, and that of these 263, there were 36 left at Cuba in the care of the Government.

FRANCISCO FRASQUET, a Catholick, deposed, that he is a Native of Barcelona, aged 23 Years, unmarried, and by profession a Sailor; that he was lately in this capacity serving on board the Brigantine Schooner "Nuevo Campeador," Captain Don Juan Botel; that he has arrived here in consequence of the capture of the said Schooner, with a Cargo of Bozal Negroes on board, made by His Britannick Majesty's Frigate "Aurora," close off Santiago de Cuba; that the said Cargo of Negroes was taken on board at Calabar, on the Coast of Africa, where 300 or 306 were embarked; that the Deponent knows not how many of them were in existence at the moment of the capture, because many had died on the passage, and the Deponent was not present when they were numbered; that some of the captured Negroes remained at Cuba sick, but how many he knows not; that the said Schooner was fitted out and equipped for the voyage to Calabar; in the aforesaid City of Santiago de Cuba, to which Port she was proceeding at the moment of capture; that Captain Don Juan Botel, according to what this Deponent has heard, remained at Cuba, the Captain of the Frigate having given him leave to go on Shore to visit his wife, who was



sick, and that he knows nothing of him, since that time ; that the Deponent, on leaving Cuba for the Coast of Africa, was a common Sailor, but that the Boatswain, Pablo George, being taken so ill that it was found necessary to leave him in Africa, the Deponent then succeeded to his place, and was performing the duties of it at the time of the capture ; that D. José Chamorro, who is inscribed on the List of the Crew as next in command to the Master and Mate, remains likewise in Cuba unwell, but that the Deponent knows not how he got on Shore.

LORENZO CITTERICH, a Catholick, deposed, that he is a Native of Venice, aged 34 Years, unmarried, and by trade a Sailor, that he came to the Havannah in the English Frigate "Aurora," which lately arrived in this Port, in consequence of having captured the Brigantine Schooner "El Nuevo Campeador," in which this Deponent was a sailor ; that the said Schooner was captured close off the Morro of Santiago de Cuba, on account of there having been found on board a Cargo of Bozal Negroes ; that the Vessel was then proceeding from Old Calabar, on the Coast of Africa, where she had taken on board 300 or 306 Negroes, of whom 36 or 37 may perhaps have died previously to the capture, that Don Juan Botel was the Owner, Captain, and Master of the said Schooner, and the Mate was Henrique Schotsz, who is now in prison with the Deponent, that the said Vessel was fitted out for the Voyage to Africa in Santiago de Cuba ; that the Master, Don Juan Botel, remained in Cuba, although this Deponent does not positively know the cause of his having been allowed to land, any further than that he heard it was on account of sickness ; that D. José Chamorro, who was one of the Crew captured on board the Schooner, remained also at Cuba, but the Deponent knows not how he contrived to get on Shore, because the said Chamorro remained on board the Schooner, and the Deponent was taken on board the Frigate ; that Estevan Rodriguez, who is inscribed in the List of the Crew as Cook of the Schooner, was never employed in that capacity, the Deponent being the only Cook, from the moment of leaving the Port of Santiago de Cuba ; that the said Rodriguez remains in Cuba, but how or why this Deponent knows not, and that Pablo George, the Boatswain, remained at Calabar sick.

LOUIS ROLLE, a man of Colour, and a Catholick, deposed, that he is a Native of Martinique, aged 26 Years, and by trade a Carpenter, that on Wednesday last he arrived in this Port on board the Brigantine Schooner "El Nuevo Campeador," captured by the English Frigate "Aurora," opposite to the Morro of Santiago de Cuba ; that the cause of the said capture was a Cargo of Bozal Negroes having been found on board ; that the Vessel at the time was proceeding from Calabar on the Coast of Africa, which Place she left with 300 or more Negroes, of whom, 260 or more were in existence at the period of her detention, the others having died on the passage ; that this Deponent was Carpenter on board the Schooner ; that the Master of the Vessel was Juan Botel, and that the Deponent is ignorant of there being any other Owner ; that the said Botel and José Chamorro remained at Cuba, the former because his wife was sick, and the other he knows not on what account ; and finally, that Pablo George was left sick at Calabar.

#### Fifth Enclosure in No. 90.

(Translation.)

#### Sentence.

Havannah, September 27, 1826.

HAVING taken into consideration the Judicial Proceedings consequent upon the detention of the Spanish Merchant Schooner "Nuevo Campeador," Don Juan Botel, Captain, Master, and Owner, with a Cargo of 263 Negroes on board at the time of her detention, which was effected in the immediate Vicinity of the Port of Santiago de Cuba, by the English Frigate "Aurora," commanded by Captain Charles John Austen ; and having found, according to these proceedings, that, although the Declaration of the aforesaid Don Juan Botel is wanting, owing to this Person's escape in the City of Santiago, it is nevertheless most completely proved by the Declarations of the several Witnesses examined, and by the Papers of the Vessel, that the said Schooner having sailed from the aforesaid Port, in the Month of April in the present Year, with Papers and Cargo, as if for the Portuguese Island "El Principe," proceeded straight to Old Calabar, on the Coast of Africa, where she took on board 300 or 306 slaves, of whom so many died on her passage to Cuba as to reduce the number to 263, of which last number, according to the Evidence of the Captor and the Receipt of the Governor of the City of Santiago de Cuba, produced by the said Captor, 36 were left in the said City, on account of their extreme sickness, and 10, as appears by the Captor's Certificate, subsequently died. We do now, with due regard to the merits of the Cause, and according to the usual brief and summary mode of proceeding which has been adopted by the Mixed Commission in all such Cases, when the truth has been made manifest, hereby declare, that the capture of the said Schooner "Nuevo Campeador," and of the 263 Negroes found on board, is good and legal, and that the said Schooner, her tackle, apparel, and whatever she may contain, are subject and liable to confiscation, with the exception of the aforesaid Negroes, who are declared to be freed from all slavery and captivity. It is accordingly hereby directed that, with respect to the said Vessel, and whatever belongs to her, a Valuation shall be made thereof, under Oath, by the Principal Masters of the Royal Arsenal, who shall give in a proper Voucher to this effect, and that she shall be exposed to publick auction, in the presence of the Royal Notary Don José Rafael de Meja, in order that, being disposed of to the highest bidder, in the Auction-Room of Don Antonio Galea, the proceeds may be applied to the benefit of the two Governments, the said Vessel being for the present placed in deposit with Don Jayme Andreu, who shall likewise swear faithfully to perform his duty, and shall receive her from the

the Captor, according to formal Inventory; proceeding, moreover, without loss of time, to deliver to such of the said Negroes as are in this City, their Certificate of Emancipation, by the means, as is customary, of the Deputy Secretary, Don Rafael Gonzales Barranco, who is appointed to perform that duty. An official Letter, with a certified Copy of the Sentence, shall be forthwith addressed to his Excellency the Captain-General, in order that he may take the proper measures for that purpose; and with respect to those Negroes who are left in Santiago de Cuba, as the liberty to which they are entitled, ought not to be delayed, his Excellency shall be further requested to appoint in that City a Person in whom he has confidence, or to direct the Governor of it to appoint such a Person to deliver to them also their respective Certificates of Liberty, according to the form that has hitherto been adopted. For which purpose there shall be transmitted to Cuba, through the medium of his Excellency, the necessary printed Certificates, duly legalized by the Mixed Commission, having blanks to be filled up with the descriptions and peculiar marks of each Person, so as to secure their identity, and being marked from No. 1 to No. 36 inclusive, care being taken to suspend to the neck of each Negro, a small piece of tin-plate, corresponding with the number of the Certificate, and also to make out accurately a separate account of all that is written on each of these Certificates, so that it may be transmitted to this Mixed Commission, and form part of the Book in which all such accounts are inserted, while a Duplicate, or certified Copy, of this Document shall be left in Santiago de Cuba, for the purpose of clearing up any doubt that may in future occur; and, according to the mode of proceeding that has been practised in all such matters, the said Negroes are placed at the disposal of the aforesaid Governor of Cuba, for him to dispose of them during the years of their apprenticeship, in conformity to the Instructions which his Excellency will communicate to him.

(Signed) W. S. MACLEAY.  
CLAUDIO MARTINEZ DE PINILLOS.  
RAFAEL DE QUESADA.  
RAFAEL GONZALES, Secretary.

Sixth Enclosure in No. 90.

(Translation.)

*The Mixed Commission to the Captain-General.*

SIR,

Havannah, September 27, 1826.

BY the accompanying certified Copy, your Excellency will be made acquainted with the Definitive Sentence issued by this Mixed Commission, in the Case of the Capture of the Brigantine Schooner "*Nuevo Campeador*," with a Cargo of Bozal Negroes, by the English Frigate "*Aurora*," which Sentence declares the detention of this Vessel to be good and legal, and the said Negroes to be free from all slavery and captivity.

Among the Negroes found on board, there were 36 who, on account of ill health, were left at Santiago de Cuba, in charge of the Governor of that Place, according to the Receipt given by him to the English Captain, of which a Copy is herewith enclosed to your Excellency. In consequence of what has been determined in the said Definitive Sentence, the Mixed Commission now proceeds to deliver the Certificates of Emancipation to those Negroes who have been brought into this City, placing them forthwith at the disposal of your Excellency in the customary form. Not being able to do the same for those Negroes who were left at Santiago de Cuba, where the Commission has no Agent whatever, the Undersigned have deemed it their duty to request your Excellency, in this novel Case, to assist them in carrying the above-mentioned Sentence into effect, so that the Negroes left at Santiago may not have the important benefit of their liberty retarded. For this purpose the Undersigned herewith transmit and place at the disposal of your Excellency, 36 blank Certificates of Liberty, with 4 others, to be used in the event of any error in the former rendering them necessary.

God preserve your Excellency many Years.

(Signed) W. S. MACLEAY.  
CLAUDIO MARTINEZ DE PINILLOS.  
RAFAEL DE QUESADA.

His Excellency the Captain-General.

Seventh Enclosure in No. 90.

(Translation.)

*The Captain-General to the Mixed Commission.*

GENTLEMEN,

Havannah, September 29, 1826.

WITH your Official Letter of the 27th instant, I received a certified Copy of the Definitive Sentence pronounced by you in the Case of the capture lately made of the Spanish Merchant Brigantine Schooner "*Nuevo Campeador*," with a Cargo of Bozal Negroes, and also 40 Certificates of Emancipation, duly signed by you, and numbered from 1 to 36, with 4 more, which 40 Certificates are destined for 36 Negroes left in Cuba, and belonging to the said Cargo. Entering into the anxiety expressed by you that I should, on my part, co-operate so as to give the aforesaid Sentence its full and proper effect with respect to the said 36 Negroes, and, in order that the benefit of their liberty may suffer no delay, I have acceded to your request, with the advice of the Auditor of War, and, in consequence, now transmit to the Governor of Santiago de Cuba the

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Appointment of a Person in whom I have full confidence, and whose duty it will be to deliver the said Certificates, and to carry the other parts of the Sentence into effect. To this Person I transmit the above-mentioned Certificates, with 80 Copies of Forms for registering the descriptions of the said Negroes, and the like number of Conditions, all signed by me; so that every necessary precaution and measure may be taken for the dispatch of this affair, and for the disposal of the Negroes, in the usual manner. I have also, at the same time, directed him to send me, with the least possible delay, the particular kind of Register mentioned in the said Sentence, which, as soon as I receive, I shall, according to your request, transmit to you for the object you specify.

God preserve you many Years.

(Signed) FRANC. DIONISIO VIVES.

*The Members of the Mixed Commission.*

### No. 91.

*W. S. Macleay, Esq. to Mr. Secretary Canning.—(Received December 8.)*

SIR,

*Havannah, October 9, 1826.*

On the 3d instant, the Spanish Brig "*San Pedro*," alias "*Currutaco*," Juan Coll, Master, which Vessel, as reported to you in the Despatch of His Majesty's Commissioners of the 11th of March of this Year, sailed from this Port on the 26th of February last, arrived here from the Coast of Africa, in ballast, after having landed a Cargo of Negroes on the Coast, to the Westward of the Island.

I have not been able to learn the number of Negroes she disembarked.

I have the honour to be, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. George Canning,  
&c. &c. &c.*

### No. 92.

*Joseph Planta, Jun. Esq. to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 20, 1826.*

IN compliance with the desire which you have expressed, that you should have some assistance for carrying on the details of your Correspondence with this Office, Mr. Secretary Canning has selected Mr. Richard Belgrave Jackson, the bearer of this Letter, to be Clerk to His Majesty's Commissioners at the Havannah.

You will employ Mr. Jackson accordingly, in the business of the British Commissioners, in the manner in which he may be made most useful to the purpose for which he is sent out.

Mr. Canning has allowed to Mr. Jackson a Sum, by way of Outfit, which has been paid to him here; and he has assigned to him a Salary of £300. a Year, to commence from the 10th of October 1826, and to be augmented every Year, at the rate of £25. a Year, until the Salary shall reach the amount of £500. a Year. And Mr. Canning has been pleased to hold out to Mr. Jackson the prospect, that, provided he shall conduct himself to the satisfaction of his Superiors, a Pension, not exceeding the half of his Salary, may be granted to him after 12 Years actual service at the Havannah.

I am directed, by Mr. Canning, to acquaint you with this arrangement, and to request that you will pay to Mr. Jackson the Salary assigned to him, in Quarterly Payments, as it shall become due, including the same in the Contingent Accounts of the Commission, and drawing for it upon the Agent to the Commission, according to the Account and Vouchers which you will send in, with a Letter to me on the occasion.

I am, &c.

*His Majesty's Commissioners.*

(Signed) JOSEPH PLANTA, JUN.

No. 93.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 30, 1826.*

YOUR several Despatches, to the 9th of October inclusive, have been duly received.

I transmit to you, for your information, the accompanying Copy of a Despatch\*, which I addressed to His Majesty's Envoy at Madrid on the 10th ult., upon the subject of the violations of the Treaty, as stated in your Despatches of the 9th of August, and of the 2d, 4th, and 11th of September last.

You will continue to watch over and report to me the particulars of every transaction which may come under your knowledge, connected with illegal Slave-trade upon the Coast of Cuba.

I am, &amp;c.

*His Majesty's Commissioners.*

(Signed) GEORGE CANNING.

\* See Class B.

## RIO DE JANEIRO.

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No. 94.

*His Majesty's Commissioners to Mr. Secretary Canning.—  
(Received April 10, 1826.)*

SIR,

*Rio de Janeiro, December 28, 1825.*

WE have the honour to acquaint you, for your information, that His Imperial Majesty has been pleased to appoint Senhor João Carneiro de Campos to the Office of Commissary Judge of the Mixed Commission here established, which Office became vacant on the confirmation of Senhor José Silvestre Ribello to the Appointment of Brazilian Chargé d'Affaires to The United States of North America; and that our new Colleague, after taking the prescribed Oath before the Chancellor, was duly installed on the 7th instant.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

*The Right Hon. George Canning,  
&c. &c. &c.*

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No. 95.

*His Majesty's Commissioners to Mr. Secretary Canning.—  
(Received April 10, 1826.)*

SIR,

*Rio de Janeiro, December 30, 1825.*

SHORTLY after the signing of the new Slave-trade Treaty with the Brazilian Government, by Sir Charles Stuart, we were enabled fully to satisfy ourselves of the truth of suspicions, which we had entertained for some time, not only of irregularities, but actual malversation, on the part of some of those Persons who had been appointed to superintend the care and well-being of those Negroes who have received their Emancipation, from the Mixed Commission here established, under the late Convention with Portugal.

Having ascertained that Sn<sup>r</sup>. Manuel Joa<sup>m</sup>. Gliz. de Magelloens, the present Curador of the Emancipated Negroes, had been collecting money in the capacity of Curador, under the semblance of authority from the Treasurer, from Persons to whom some of the emancipated Negroes had been apprenticed, under the condition of an annual payment for their labour, which sum was to be placed in deposit, to be divided amongst them, at the expiration of their term of servitude; that he had made this collection without the authority of the Treasurer, and had applied it to other uses than those prescribed by the Alvarà. We felt it to be our duty, after taking pains to satisfy ourselves of the facts, to call the attention of His Imperial Majesty's Government to a Transaction, in itself fraudulent and disgraceful, as well as prejudicial to the emancipated Negroes, to remain under the superintendence of a Man, who, if he could be guilty of such a crime, might be supposed to be fully equal to committing the more heinous one, of selling those into slavery who had been emancipated and placed under his especial superintendence, which abominable crime is said to have been practised, though we have not been able to obtain proof of a single instance of it.

To call the attention of His Imperial Majesty's Government to this Case, with the greatest chance of success, knowing that Sir Charles Stuart was in daily intercourse with the Ministers of State, we stated, verbally, the circumstances to his Excellency, with a view to his urging His Imperial Majesty's Ministers to an investigation into them, to which Sir Charles listened with readiness, and requested us to write to him a Letter on the subject, a Copy of which we have the honour to enclose for your information.

We earnestly hope, Sir, for the sake of the emancipated Negroes, that the system of superintendence of their welfare, which has hitherto been pursued, may undergo some reform, at least periodical investigation, or any other checks that can be devised to prevent a recurrence of the evils complained of, which, since a period has at length been happily fixed, for the entire and complete abolition of the Traffick, it will, doubtless, tend greatly to enhance the value of those Slaves already imported and, therefore, hold out greater temptation to the evil-disposed of re-enslaving those who have received their Manumission.

The system prescribed by the Alvarà of 26th January 1818, would, we conceive, in a great measure, meet its object, provided a reliance could be placed on the probity of those employed under it; and, if we might be allowed the liberty of suggesting an Amendment thereto, it would be, that the Curador should be obliged to keep a regular and accurate Register of all the emancipated Negroes, together with the names and address of all those who have hired them, who should be made responsible for them under a penalty, and answer for their appearance before their Superintendent twice a Year; and to give proof of death, or absconding, if either should have happened since the last Inspection, and the Superintendent himself should be obliged Half-Yearly, and always when called upon, to make his Report to the Juiz da Camarca, for the time being, or to some other Authority, in order to insure the fulfilment of his duty, and have a check upon his integrity; which, in our humble opinion, would greatly tend to prevent the abuses now said to be practised.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

*The Right Hon. George Canning,*  
&c. &c. &c.

Enclosure in No. 95.

*The British Commissioners to Sir Charles Stuart.*

SIR,

Rio de Janeiro, November 19, 1825.

FINDING, by the Slave-trade Convention between His Britannick Majesty and His Majesty The Emperor of Brazil, signed by your Excellency on the 18th October last,\* that the Stipulations relative to the treatment of Emancipated Negroes, are similar to those contained in the late Convention with Portugal, under which we have been acting, we feel it to be a duty incumbent upon us to state to your Excellency, that some abuses and malversations in that particular, have, of late, come within our observation, to enable your Excellency, if you should think fit, to draw the attention of His Imperial Majesty's Government to the provisions contained in the 5th Article of the Alvarà of the 26th January 1818, with a view of rectifying the existing perversion of them.

Report says, that many of the emancipated Negroes have been sold as Slaves; of this we have no proof, but, since those who hired them have never been called upon to produce them before any competent Authority, such abuse is practicable.

The majority of the Negroes who have been emancipated by the Mixed Commission, were hired out to Individuals, who were to support, clothe, and instruct them, and pay a certain sum annually, which sum was to be deposited in a coffer with three keys, one to be kept by the Juiz da Camarca, another by the Curador, and the third by a Treasurer, and at the expiration of the fixed term of the Free Negroes' servitude, the balance was to be distributed among them. It is in this Department, Sir, that investigation is more especially necessary, as the Treasurer takes no steps to collect annually the amount due for the Negroes' services; and we have certain information that Manoel Joaom. Gliz. de Magelloens, the Curador, has gone about with a List, as complete as he could make it, of those who are in possession of the Negroes hired out, whose interests and comforts he is especially appointed to watch, and has received the amount due, giving a receipt in his own name; which amount the Treasurer declares he has never received, and that

\* Not subsequently ratified.

the Curador had no authority from him to collect any money on account of the emancipated Negroes.

This is an abuse which your Excellency will perceive requires to be checked, and investigation on the part of His Imperial Majesty's Government, may possibly throw light upon others, which are not within our reach.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

*The Right Hon. Sir Charles Stuart, G. C. B.*  
&c. &c. &c.

### No. 96.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received April 10.)*

SIR,

*Rio de Janeiro, January 10, 1826.*

AGREEBLY to your Instructions, to forward to you Half-Yearly Reports of the Cases which are brought to us for Adjudication, we have the honour to inform you, that no Case has been laid before us since our Report of July last.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

*The Right Hon. George Canning,*  
&c. &c. &c.

### No. 97.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, May 16, 1826.*

I HAVE received your Despatch of the 30th of December last, suggesting some Regulations for the amelioration of the treatment of emancipated Slaves.

I cordially concur in the object of these suggestions. I beg that you will take an early opportunity of conferring upon the point with your Brazilian Colleagues, and of making a joint representation on the subject, through the proper Channel, to the Brazilian Government.

You will press upon the Ministers of Brazil the adoption of Regulations better suited than the present appear to be, to their beneficent purpose; and, whenever such Regulations shall have been adopted, you will have the goodness to give, to the due execution of the new System, the benefit of your superintendence, reporting to me from time to time the result thereof.

I am, &c.

*His Majesty's Commissioners.*

(Signed)

GEORGE CANNING.

### No. 98.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received Nov. 28.)*

SIR,

*Rio de Janeiro, July 30, 1826.*

WE have the honour to acknowledge the receipt, on the 20th ultimo, of two Copies of Papers, marked A and B, relative to the Slave-trade, which were presented to both Houses of Parliament, in the course of the last Session.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

*The Right Hon. George Canning,*  
&c. &c. &c.

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## No. 99.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received Nov. 28.)*

SIR,

*Rio de Janeiro, August 1, 1826.*

WE have the honour to inform you, that during the Half Year, ending on the 1st of July last, no Slave-vessel was brought in here for Adjudication.

We were unable to forward this Report, at the usual time, owing to Mr. Hayne's being, at that period, dangerously ill of an inflammatory bilious fever; and Mr. Cunningham laid up, in consequence of a severe fall from his horse; but we are happy to say that we are now both convalescent; and have the honour to be, &c.

(Signed)

HENRY HAYNE.

*The Right Hon. George Canning.*

ALEX. CUNNINGHAM.

&amp;c. &amp;c. &amp;c.

## No. 100.

*Henry Hayne, Esq. to Mr. Secretary Canning.—(Received Dec. 16.)*

SIR,

*Rio de Janeiro, October 26, 1826.*

IT is with great regret that I feel myself under the necessity of earnestly soliciting your kind interposition, to obtain for me His Majesty's gracious permission to return to England, for the purpose of re-establishing my health, which has of late suffered materially from the effects of the Climate.

I am at this moment in a great state of debility, the effects of a relapse, after only six weeks convalescence from my late serious illness.

I had hoped that I should have been able to have remained at my Post until the final abolition of the Slave-trade in this Country, which I still do not altogether despair of accomplishing, provided the change of air to the neighbouring Mountains answers the desired end, and it is only on its failure, and its being deemed highly expedient by the Faculty for me to remove to another Climate, that I should think of availing myself of the leave of absence I now solicit.

On this plea, Sir, may I entreat that such conditional leave may be forwarded to me, as will warrant my quitting my Post for the recovery of my health.

I have the honour to be, &amp;c.

*The Right Hon. George Canning,*

(Signed)

HENRY HAYNE.

&amp;c. &amp;c. &amp;c.

## No. 101.

*Joseph Planta, Jun. Esq. to Henry Hayne, Esq.*

SIR,

*Foreign Office, December 16, 1826.*

MR. SECRETARY CANNING has received your Letter of the 26th of October 1826, and I am directed by him to state to you, that, under the circumstances which you mention, with respect to your health, Mr. Canning consents to your having a conditional leave to return to England for a period of six Months, if the state of your health should absolutely require it.



You are aware that your Salary will be diminished by one half during your absence, and that the period of your absence cannot be counted as "actual service at your Post," in consideration of which a Pension may eventually be granted to you.

I am, &c.

*Henry Hayne, Esq.*

(Signed) JOSEPH PLANTA, JUN.

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No. 102.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 30, 1826.*

YOUR several Despatches, to the 26th of October last inclusive, have been duly received.

I am, &c.

*His Majesty's Commissioners.*

(Signed) GEORGE CANNING.

## SURINAM.

No. 103.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, March 13, 1826.*

WITH reference to the Treaty with the Netherlands, for the prevention of the Slave-trade, I have to acquaint you, that, by a Communication received this day from the Admiralty, it appears that the Instructions referred to in the said Treaty, have been issued to the following Ships and Vessels of His Majesty's Navy :—

Names.	Guns.	Commanders.
<i>Hussar</i> .....	46 .....	G. Harris.
<i>Brazen</i> .....	26 .....	G. W. Willes.
<i>Primrose</i> .....	18 .....	Oct. V. Vernon.
<i>Redwing</i> .....	18 .....	D. C. Clavering.
<i>Dispatch</i> .....	18 .....	Robt. W. Parsons.
<i>Ferret</i> .....	10 .....	Wm. Hobson.
<i>Conflict</i> .....	12 .....	Lieut. J. Chrystie.

And that the Instructions which had been issued to His Majesty's Ships "*Pyramus*," "*Ariadne*," "*Bann*," "*Victor*," "*Ringdove*," and "*Grecian*" have been recalled and cancelled.

I am, &c.

*His Majesty's Commissioners.*

(Signed) GEORGE CANNING.

No. 104.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received April 21.)*

SIR,

*Surinam, January 18, 1826.*

IN reference to the Correspondence reported in Class B. of the Papers laid before Parliament for the Year 1825, page 81, on the subject of the insufficiency of the Dutch Naval Force on this Station, to prevent the fraudulent importation of Slaves, and the promise therein expressed by the Minister of His Netherlands Majesty, that measures should be adopted in order constantly to maintain at Surinam a Cruizer, in aid of one of the Dutch Ships-of-War stationed in the West Indies; we feel it our duty to acquaint you, that there has been no Dutch Vessel-of-War here of any description since the 3d of July last, when the "*Mercure*" Brig (Captain Muller) left this Port for Curaçoa, and that we still continue without one, notwithstanding the frequent prevalence of reports of Slave-ships being off the Coast, and effecting illicit debarkations, but of which it is almost impossible to obtain any conclusive evidence.

We have the honour to be, &c.

(Signed)

CHRIS. EDWD. LEFROY.

J. H. LANCE.

*The Right Hon. George Canning,*  
 &c.                      &c.                      &c.

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## No. 105.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, June 28, 1826.*

I TRANSMITTED your Despatch of the 18th of January last, on the want of Dutch Cruizers at Surinam, to His Majesty's Ambassador in the Netherlands, with Instructions to represent to the Netherlands Government the circumstances stated in your Communication, and I now send to you the Copy of the Answer from the Netherlands Minister,\* by which it appears that, since the Month of February last, the Dutch Brig-of-War "*De Valk*," has been cruizing upon that Station; and that measures have been taken to ensure in future the regular performance of this Service.

I am, &amp;c.

*His Majesty's Commissioners.*

(Signed) GEORGE CANNING.

\* See Class B.

## No. 106.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 8, 1826.*

I SEND to you, for the information of yourselves, and of the other Gentlemen composing the Board of Commission whereof you are Members, the accompanying Copy of a Note, which I have received from His Netherlands Majesty's Chargé d'Affaires at this Court, by which it appears that the Netherlands Brig-of-War "*Panther*," destined for the West Indies, will be furnished with a Copy of the Treaty of the 4th of May 1818, and the Documents annexed thereto, for the suppression of the Traffick in Slaves.

I am, &amp;c.

(Signed)

GEORGE CANNING.

*His Majesty's Commissioners.*

## No. 107.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received July 15.)*

SIR,

*Surinam, May 15, 1826.*

WE have the honour to acknowledge the receipt of your Despatch dated March 13, 1826, acquainting us, that the Instructions referred to in the Treaty with the Netherlands for the prevention of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy:—

Names.	Guns.	Commanders.
<i>Hussar</i> .....	46 .....	G. Harris.
<i>Brazen</i> .....	26 .....	G. W. Willes.
<i>Primrose</i> .....	18 .....	Oct. V. Vernon.
<i>Redwing</i> .....	18 .....	D. C. Clavering.
<i>Dispatch</i> .....	18 .....	R. W. Parsons.
<i>Ferret</i> .....	10 .....	W. Hobson.
<i>Conflict</i> .....	12 .....	Lieut. J. Chrystie.

And that the Instructions which had been issued to His Majesty's Ships "*Pyramus*," "*Ariadne*," "*Bann*," "*Victor*," "*Ringdove*," and "*Grecian*," have been recalled and cancelled.

We have the honour to be, &amp;c.

(Signed)

CHRIS. EDWD. LEFROY.

*The Right Hon. George Canning,*

J. H. LANCE.

&amp;c.

&amp;c.

&amp;c.

No. 108.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 5, 1826.*

I HAVE to acquaint you, for your information, and that of the other Gentlemen composing the Mixed Board of Commission, of which you are Members, that it appears, by a Communication from the Admiralty, under date of the 25th ult. that the Instructions referred to in the Treaty between Great Britain and the Netherlands, for the suppression of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy :

Names.	Guns.	Commanders.
<i>Druid</i> .....	46. ....	Lieut. Chambers.
<i>North Star</i> .....	28. ....	Capt. Arabin.
<i>Scylla</i> .....	18. ....	Wm. Hobson.
<i>Pylades</i> .....	18. ....	G. V. Jackson.

And that those Instructions have been recalled and cancelled which had been issued to His Majesty's Ships "*Hussar*," "*Dartmouth*," "*Dispatch*," "*Ferret*," and "*Swinger*."

I am, &c.

(Signed) GEORGE CANNING.

*His Majesty's Commissioners.*

No. 109.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received Dec. 18.)*

(Extract.)

*Surinam, September 22, 1826.*

WE have the honour to acknowledge the receipt of your Despatch, dated May 6, 1826, accompanied by the Papers, marked A. and B., relative to the Slave-trade, which were presented to both Houses of Parliament by His Majesty's Command, in the course of the last Session.

(Signed)

CHRIS. EDWD. LEFROY.  
J. H. LANCE.

*The Right Hon. George Canning.*  
&c. &c. &c.

No. 110.

*His Majesty's Commissioners to Mr. Secretary Canning.—(Received Dec. 16.)*

SIR,

*Surinam, September 25, 1826.*

WE beg leave to enclose, for your perusal, three Publick Documents regarding the Registration of Slaves in this Colony, with which we have been favoured by his Excellency the Governor, Numbered 1, 2 and 3, with their respective Translations, of which the following is a summary :—

No. 1, is a Publication of his Excellency, dated the 19th April 1826, for the purpose of putting in force a Decree of His Majesty The King of the Netherlands, dated 4th January 1826, whereby it is decreed :—

ART. 1.—That the present Registers shall be enlarged by an additional column, in which the increase and decrease of all Slaves is to be noted.

ART. 2.—Every Proprietor to give in, upon oath, a written Declaration of every increase and decrease of his slaves.

ART. 3.—The same to be given in within 3 days in Paramaribo, and within 14 days elsewhere, after they respectively happen.

ART. 4.—In default of so doing a Penalty is incurred of from 100 to 500 guilders.

ART. 5.—In the increase or decrease of the Slaves of any Person, by sale or purchase, the Declaration to contain the names of both Vender and Purchaser.

ART. 6.—A Receipt to be given by the Publick Officer on the fulfilling of Articles 2 and 9.

ART. 7.—The aforesaid Declarations, as soon as given in, to be noted in the additional column of the Yearly Registers, designated in Article 1.

ART. 8.—In case of increase or decrease of hired Slaves, the Person hiring must give notice to the Owner, within 24 hours if both reside in Paramaribo, and within 8 days if both, or either of them, reside elsewhere, under a Penalty of 25 guilders for each day's neglect.

ART. 9.—A written Declaration of all Bonds, or other Instruments affecting Slaves to be given in at the Capitation Tax Office, under pain of being held void.

ART. 10.—No name not known at the Capitation Tax Office, to be accepted without 2 known Securities, who shall be personally answerable for the contents of the Declaration, on neglect of which regulation the Registrar to be personally answerable.

ART. 11.—No Publick Officer to pass or execute any deed, without ascertaining that the Slaves thereby affected are registered, under pain of dismissal from his Office, and the act being void.

ART. 12 and 13.—No Slaves to be sold or hired out at publick vendue, without an extract from the Registers, under pain of the Vendue-Master being dismissed from his Office.

ART. 14.—No Slave to be freed, unless registered.

ART. 15.—No Sentence to be passed, or Decision made, by any Publick Authority, without ascertaining that the Slaves thereby affected are registered, under pain of such decision being held void.

ART. 16.—The Fiscal to have the superintendence of the Registry Office.

ART. 17.—On discovery of any fraud, the offenders to be dealt with according to Article 6 of the Decree of 18th August 1823.

ART. 18.—When any thing appears unsatisfactory, the Owner to be summoned.

ART. 19.—If convicted, the Slaves are forfeited to the Government, and the Owner dealt with according to Article 4.

ART. 20.—If not able to pay a fine, he is to be imprisoned from 1 to 6 Months.

ART. 21.—These alterations not to affect the Publication of the 18th August 1823, concerning the Capitation Tax.

ART. 22.—All Articles affecting Owners to be applicable to their Attornies.

ART. 23.—Extracts from the Registers to be furnished to every Person requesting the same, on payment of the Stamp-duty, and f10. if the number of Slaves therein mentioned be under 20, and f20. if above 20, the said fees to be for the benefit of the Registrar.

ART. 24.—A Registrar to be appointed.

ART. 25.—He can neither own nor administer Estates.

ART. 26.—He is bound under pain of dismissal, to give notice to the Fiscal of all frauds or neglects, or even suspicion thereof.

ART. 27.—He must attend at his Office from 8 to 11 A. M., and from 2 to 4 P. M. every day, Sundays and Holydays excepted, and he must be under the controul of the Book-keeper General.

ART. 28.—When the Registrar is by any cause detained from his Office, the Book-keeper General, with the Governor's sanction, to appoint a Person to officiate.

ART. 29.—The Book-keeper General to examine, verify, sign, and close the Registers at the end of every Year.

ART. 30.—The Inhabitants of Nickerie to give in their Returns within 3 days to the Landrost or Drost of that District, who is to forward them by the first opportunity to the Book-keeper General.

ART. 31.—One third of all fines to go to the Colony Chest, one third to the Fiscal's Office, and one third to the Registrar.

ART. 32.—This Decree to be in force from the 1st of this Month, and Returns of every increase and decrease of Slaves from that time to the day the Lists are given in, to be made within 14 days for Paramaribo, and within 1 Month for the other parts of the Colony, to be reckoned from the Publication of the Decree.

Here follows a Description of the Forms.

No. 2, is a Publication of his Excellency the Governor, dated the 5th May 1826, and made for the purpose of extending the Limitations of Articles 3, 30 and 32 of the above Decree, by

1st.—Allowing to the end of July to prepare the Registers.

2d.—The 14 Days and 1 Month mentioned in Article 32, to be reckoned from the 1st of August 1826.

3d.—The 14 Days mentioned in Article 3, are extended to 1 Month for giving in Returns for elsewhere than in Paramaribo.

4th.—The 3 Days mentioned in Article 30, are extended to 14 days, for the Inhabitants of Nickerie to make their Returns.

5th.—Certificates from the Capitation Tax Office to serve in place of extracts from the Registers, till the 31st July 1826.

No. 3, is a Publication of his Excellency the Governor, dated the 19th April 1826, whereby a Registrar is appointed with a fixed Salary of 12,000 guilders, Surinam Currency, in place of the Fees mentioned in Article 23, which are to go into the Colonial Chest.

We hope and trust that these measures will at length put an end to that abominable Traffick against which they are directed, and which, notwithstanding all that has been done before, we have strong grounds for believing has been till very lately carried on, though on a limited scale; but the precautions taken by those interested have been so great, that we have not been able to procure evidence sufficient to justify an application on our parts to the Governor on the subject.

We have the honour to be, &c.

(Signed) CHRIS. EDWD. LEFROY.  
J. H. LANCE.

*The Right Hon. George Canning,*  
&c. &c. &c.

First Enclosure in No. 110.

(Translation.)

*Publication of the Governor of Surinam, 19th April 1826.*

1826.

OFFICIAL PAPER.

No 1.

*Publication.*

Whereby is put into execution The King's Decree of the 4th January 1826, No. 92, containing some further Limitations and Provisions to amplify the Registers of the Slave Population in this Colony, to serve as an efficacious curb to the Slave-trade.

We Abraham de Veer, Knight of the Order of the Belgic Lion, Major-General in the Service of His Majesty The King of the Netherlands, Governor of the Colony of Surinam, and Commander-in-Chief over the Land and Sea Forces within the same, &c. &c. &c.

*To all who shall see or hear read these Presents, greeting, be it known:*

WHEREAS it has pleased His Majesty The King, by His Majesty's Decree of the 4th of January of this Year, 1826, No. 92, to make some further Limitations and Provisions to amplify the Registers of the Slave Population in this Colony, to serve as an efficacious curb to the Slave-trade.

And whereas his Excellency the Minister for the Navy and Colonies, entrusted with the execution of the said Decree, has sent us a Copy of the same, in his Letter dated 24th January aforesaid, L. I. No. 98 | 3, with orders to adopt the most proper measures for the speedy and due execution of the Limitations thereby made:

Having heard the deliberations and advice of our confidential Court;

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We, therefore insert the aforesaid Royal Decree in these Presents, as follows :

No. 92.—We William, by the Grace of God, King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxembourg, &c. &c. &c.

Considering that the Registers of the Slave Population, that are at present held in the Colony of Surinam, can be properly rendered serviceable to the efficaciously curbing of the Slave-trade, by the ordaining of some further Limitations and Provisions

On the Report of our Minister for the Navy and Colonies, of the 16th December last, La. J. No. 68.

Having seen the Joint Report of our Minister of Justice, and of the Department of Foreign Affairs of the 28 | 31 of the said Month No. 67 | 22.

Having renewed the Report of our Minister for the National Industry and Colonies, of the 4th December 1824, No. 28 | 491, likewise that of our Minister of Justice and of Foreign Affairs of the 29 | 31 thereunto next ensuing, La. P. No. 5.

Have decreed and do decree :

ART. 1.—The Registers that are held at the Office of the Capitation Tax, according to the Lists, which, as ordained by the Publication of the Governor and Court of the 18th August 1823, are rendered in to the said Office, of the Families and Individuals, who inhabit the said Colony, and also of their proper slaves, shall be enlarged by a column of Mutations, in order therein successively to mark the increase or decrease that may take place in the number of the slaves since the last Yearly List rendered in, until the date of the rendering in the ensuing List.

ART. 2.—Every Owner of slaves shall be bound and held to render in to the Office of the Capitation Tax a written Declaration, undersigned by him, and made under presentation of oath, of all increases and decreases which, after the giving in of his Yearly List to the said Office, may take place in the number of his slaves, either by birth, death, purchase, sale, donation, exchange, or in whatsoever other manner ; in which Declaration the name of the thereby denominated slave must be distinctly expressed.

ART. 3.—The declarations of all increases and decreases in the number of the slaves, such as the same are designated in the foregoing Article, must be given in within the time of 3 days, for as much as relates to the Town of Paramaribo, and within the time of a fortnight for as far as the said changes might happen elsewhere.

ART. 4.—Every Owner who purchases, sells, gives away, or obtains by donation, a slave, or from whose female slave a child is born, also whose slave dies, or to whom, in whatever manner, any increase or decrease in the number of his slaves occurs, after or since the giving in of his last Yearly List, and who should not make Declaration thereof within the period prefixed by the foregoing Article, shall, in similar manner as is limited by Article 6 of the aforesaid Publication of the 18th August 1823, forfeit a fine of not less than one hundred guilders (f100.) and of not more than five hundred guilders (f500.) unless he should prove satisfactorily to the Judge that he had no earlier notice of the increases or decreases that have taken place in the number of his slaves after the giving in of his last Yearly List.

ART. 5.—When the increase or decrease in the number of the slaves arises from transfer of Ownership, the Declaration thereof is to contain as well the name of the Person by whom the slave is transferred, as that of the Person to whom he is transferred, also the nature or title of the transfer, and by default of any of these requisites, the Declarations are not to be accepted at the Office of the Capitation Tax, and are to be considered as not made.

ART. 6.—In testimony of the giving in of the Declarations required by Article 2 and Article 9 of this Decree, a due Receipt shall be given by the Publick Officer hereafter to be designated, on which Receipt the date of the Month, and the number of the Year are to be noted, not in ciphers but in letters.

ART. 7.—As soon as the aforesaid Declarations are given in at the Office of the Capitation Tax, the contents of the same shall be noted in the Registers of the Yearly Lists, in the column of Mutations, designated by Article 1 of this Decree.

ART. 8.—When a child is born of a female slave during the time that she is either hired by contract, or by any other agreement bound in the service of any other Person than her Owner, or when a slave that, in a similar manner, is engaged in another's service, dies during that period, the hirer or holder of the same shall give notice thereof to the Owner within the time of twenty-four hours, if both are residing at Paramaribo, and within the time of eight days if both, or either of them, are residing elsewhere, under penalty of a fine of twenty-five guilders (f25.) for every day's neglect of so doing.

ART. 9.—A written Declaration of all bonds affecting slaves, whether the same be bound or mortgaged, separately or jointly, with the immoveable properties, whereto they belong, and whether such bond or mortgage be made privately, or before a Notary Publick, shall be given in at the Office of the Capitation Tax, by the Party concerned, in the form prescribed by Article 2, in order that the same may be duly noted in the Registers of the Yearly Lists in the Column of Mutations, and in default thereof the same Mortgage or Bond given in favour of a third Person shall be held null and void.

ART. 10.—In case in any of the Declarations, designated by the foregoing Articles, the name of any Person should appear, who is unknown in the Registers at the Office of the Capitation Tax, such a Declaration shall not be accepted unless the same be undersigned by two Sureties,

known at the said Office; and to the said Signature is hereby attached this effect or consequence, that the same two Sureties are held personally answerable for the contents of the same Declaration, and for the judicial consequence thereof, and this responsibility shall devolve on the Publick Officer appointed to keep the Registers, in case he should, without having taken the above prescribed precaution, have accepted and entered in the Registers, any Declaration in which may appear any name, either of a Purchaser or of a Seller, whichever it may be, who is not known in the Registers held at the Office of the Capitation Tax; and besides the said responsibility, such correction is hereby reserved as his Superiors may judge proper to give to him on this account.

ART. 11.—It is hereby most strictly prohibited to every Publick Officer or Authority to pass or execute, or to allow the same to be passed or executed before him, any act regarding the transfer of the Ownership of slaves under whatsoever title, or of hiring out, mortgaging or binding of slaves, unless it fully appear that such slave or slaves are known in the Registers of the Lists, which must appear by the citing the number and letter of the Books, under the penalty of the same act being void; and that the Publick Officers, who shall have acted contrary to this prohibition, be dismissed from their Offices.

ART. 12.—No slaves shall be sold at publick auction, unless it shall have appeared to the Vendue Master, from a due extract, that the same are known in the Registers of the Lists, under penalty of being deprived of his Office; and the Commissaries for the Vendues, who are thereto appointed out of the Body of the Court of Policy, are ordered to attend most strictly hereto.

ART. 13.—Neither shall any slaves be publickly rented out unless it appear, from a due Extract to the Publick Officer before whom this renting out takes place, that the same are known in the Registers, under penalty that the said Publick Officer be immediately dismissed from his Office.

ART. 14.—No regard shall be paid by the Court of Policy to any Petition, requesting to be authorized to act as Curator for a slave, in order to petition for Letters of Freedom for the same, nor to any Petition to obtain the said Letters, unless the Petition, in both cases, be accompanied by an Extract to prove that the slave thereby concerned is known in the Registers of the Lists.

ART. 15.—It is not allowed to any Publick Authority whatsoever to give any Appointment, Sentence, or Decision, in any case regarding the transfer of Ownership, or the hiring or binding out of slaves, before having been convinced, from a due Extract, that the same slave or slaves are known in the Registers of the Lists, under penalty that such Decision be annulled.

ART. 16.—It is enjoined to the Councillor Fiscal to take the utmost possible care for the strict performance of all the limitations in general contained in this Decree; in particular he shall be obliged to look over the Registers of the Lists in the Month of March of every Year, to examine and compare the same with the Quarterly Reports of the Captains of the several Burgher Divisions, likewise with the Registers of former Years, for which purpose the Secretary of the Court shall lay before the Councillor Fiscal, when thereto required, the said Quarterly Reports in the original, upon receiving a Receipt for the same; and the Councillor Fiscal is bound to give in to the Governor a summary Report of the result of his aforesaid Investigations, over and above which is reserved to the Councillor Fiscal the power to proceed to similar overlookings, examinations and comparisons, as often as he judges necessary.

ART. 17.—When it has appeared to the Councillor Fiscal, either from the like overlooking, examining or comparing, or in whatever other manner, that a Person has become Owner of one or more slaves, without having ascertained that the same, at the time of the transfer of Ownership, were known in the Registers of the slaves, unless such Person had become Owner of such slave or slaves, directly by way of legal importation, or also when it has therefrom appeared to the Councillor Fiscal that a Person has become Owner of a slave without having had the slave or slaves transferred to his name, within the period limited by this Decree, or likewise, when, from the aforesaid examining, it should appear to him that no Declaration has been made within the fixed period, of the decrease that any Owner has experienced in the number of his slaves, he shall, although the Declaration of the former and the latter case might have been made afterwards, nevertheless always be held and bound to act against the Defaulters, by applying such punishments as are decreed by Article 6 of the aforementioned Publication of the 18th August 1823, and which is referred to in Article 4 of our present Decree.

ART. 18.—If it should appear to the Councillor Fiscal, from the overlooking, examining, and comparing of the Registers, that, in the Yearly Lists, slaves are mentioned who do not appear in the List of the foregoing Year, and of whose acquisition, nevertheless, no annotation be found in the Column of Mutations, he shall be held to make the necessary enquiry thereinto, and summon the Owner to declare in what manner he has acquired the possession of such slave.

ART. 19.—When, from the proceedings, that, according to both the foregoing Articles are to be instituted, by the Councillor Fiscal, it should not be convincingly proved by the Owners, that such slave or slaves as have not been entered in the Registers of the Lists, or not been done so within the prefixed period, are born in the Colony of Surinam, or legally imported into the same, such slave or slaves shall be declared to be forfeited to the disposal of Government, and shall be dealt with in such manner as will be found right, without doing away with the punishments prescribed by Article 4, against the defaulting Owners.

ART. 20.—In case of total inability to pay the fine decreed by the aforementioned Publication of the 18th August 1823, and by this Decree, the punishment for such Defaulters may be commuted for an imprisonment from one to six Months, the expences of which shall be paid out of the Colony Chest, reserving, however, the right of recovering the same, when the said Defaulters do at any time become able to refund the same.



ART. 21.—Notwithstanding the new obligations laid on the Owners of slaves by our present Decree, the Yearly Lists prescribed by the Publication of the 18th August 1823, do still remain as the basis of the Capitation Tax, so that the said Tax shall be due for those slaves only that were in possession of the Owner on the 1st of January of each Year.

ART. 22.—All the Articles of this Decree regarding the Owners, are likewise applicable to their Attorneys, or Representatives, who, accordingly, in case of transgression, shall incur the same punishments, as are hereby decreed against the defaulting Owners.

ART. 23.—To all and every one, Extracts of the Registers shall be given at their request, provided they do pay, besides the Stamp duty, ten guilders (f10.) for the Extract when the number of the slaves therein mentioned be less than 20, and twenty guilders (f20.) when the number do surpass 20; from this payment, however, are exempted the Publick Authorities, to whom such Extracts might be requisite in the exercise of their functions, which shall in such case be given gratis; and further, the said fees shall be for the profit of the Publick Officer, who is to be nominated by the following Article.

ART. 24.—To do the work arising from this Decree, a separate Publick Officer shall be appointed and attached to the Office of the Capitation Tax; this Officer shall have to attend to the establishing, continuation, and keeping of the Registers, in the manner limited by this Decree, and shall be personally answerable therefor.

ART. 25.—The said Officer shall not hold any administration of Estates or Grounds, nor be in any manner concerned therein.

ART. 26.—Though it is enjoined to the Councillor Fiscal to overlook the Registers from time to time, the aforesaid Officer shall, nevertheless, be bound, on penalty of forfeiting his Situation, to give notice to the Fiscal's Office of such fraud, or neglect regarding this institution, as may be discovered or even suspected by him.

ART. 27.—He must officiate daily for the Publick Service, from 8 to 11 in the Forenoon, and from 2 to 4 in the Afternoon, Sundays and Holydays excepted, and shall furthermore regulate himself, after such further instructions, as shall be given to him by the Councillor Controller of the Finances, under whose superintendence he is placed.

ART. 28.—In case of any impediment, whereby he might for a lesser or longer time be detained from his functions, the Councillor Controller of the Finances shall, under the approbation of the Governor, appoint another Functionary attached to the Department of the Finances.

ART. 29.—The Registers of the Lists shall be quoted on the first and last page, and further be marked with the initials of the Councillor Controller of the Finances in every page, in the Month of January of every Year; the same shall likewise be verified and closed by the Councillor Controller of the Finances at the expiration of every Year.

ART. 30.—In order to accommodate the Inhabitants of the Upper and Lower Districts of Nickerie, the same shall render in, within the time of 3 days, to the Land Drost, or to the Drost of the said Districts, the required written Declarations of all increases or decreases that may occur in the number of their slaves since the rendering in of their Yearly Lists, which Declarations must be made out as is limited by this Decree; and the Land Drost and Drost shall be obliged to send in the said Declarations by the first opportunity, to the Councillor Controller of the Finances, in order to enter them into the Office of the Capitation Tax, and in the Registers.

ART. 31.—By alteration of what is with regard hereto ordained, by the frequently mentioned Publication of the 18th August 1823, all fines, arising as well from the said Publication, as from our present Decree, shall devolve one third part thereof to the Colony Chest, one third part to the Fiscal's Office, and one third part to the Officer who has charge of the Registers.

ART. 32.—This Decree shall be considered to be put in force from the 1st of this Month, and those concerned shall be obliged to give in Lists of all Increases or Decreases that have occurred in the number of their slaves, from the 1st of this Month to the day they give in these Lists, which is to be done within a fortnight for as far as regards the Town of Paramaribo, and within a month for as far as relates to the further Part of the Colony, both to be reckoned from the day of the publication of this Decree.

And our Minister for the Navy and Colonies is charged with the execution of this Decree, and the same shall be made known to our Minister of Justice, and to the Department of Foreign Affairs.

Given at the Hague, this 4th day of January, in the Year 1826, the thirteenth of Our Reign.  
(Signed) WILLIAM.

By His Majesty's Command, (Signed) J. G. DE MEY VAN STREEFKERK.

Agrees with its Original, The Greffier at the State Secretary's Office,  
A true Copy, (Signed) L. H. ELIAS SCHOUVEL.

The Secretary General of the Ministry for the Navy and Colonies,  
(Signed) QUARLES VAN UFFORD.

And we, therefore, furthermore, adhering to the limitations of the Publication of the Governor and Court of the 18th August 1823, Official Paper No. 5, have ordained the Five Forms of Declarations hereafter mentioned, to be observed by all and every one at the giving in of their

Declarations, according to the tenour of His Majesty's aforewritten Decree, for which end the said Forms shall be obtainable at the Office of the Capitation Tax, viz:—

1. Form of declaring the Birth of Slaves.
2. Form of declaring the Death of Slaves.
3. Form of declaring the Increase of One's Slaves, arising from purchase or any other title.
4. Form of declaring the Decrease of One's Slaves, arising from sale or any other title.
5. Form of declaring the Pledging of Slaves.

And do Command and Order that these Presents shall be duly published, affixed, inserted in the Official Papers, and in the Newspapers of this Colony, and also sent round through the different Divisions and Districts of this Colony, from Plantation to Plantation, and be made generally known by these means, in order that every one do regulate himself hereafter: And we do, in the Name of His Majesty The King, forbid the transgression of His Majesty's aforewritten Laws, within this Colony, under the penalties therein mentioned, the execution whereof shall be strictly and severely attended to.

Done at Paramaribo, in the Colony of Surinam, the 19th of April, in the Year 1826, the thirteenth of His Majesty's Reign. (Signed) DE VEER.

By his Excellency's Command, The Secretary of Government, (Signed) J. G. RINGELING.

Published the 21st next ensuing, The Secretary of Government, (Signed) J. G. RINGELING.

Translated from the Official Paper issued and published in this Colony, Paramaribo, the 31st July 1826. (L. S.) (Signed) J. G. RINGELING, Sworn Translator.

No. 129. Seen for legalisation of the signature of J. G. Ringeling, Esq. sworn Translator in this Colony. The Major-General, Governor of Surinam,

Paramaribo, the 31st July 1826. (L. S.) (Signed) DE VEER.

By his Excellency's Command, The Secretary of Government, (Signed) J. G. RINGELING.

## Second Enclosure in No. 110.

(Translation.)

### *Publication of the Governor of Surinam, 5th of May 1826.*

1826.

OFFICIAL PAPER.

No. 2.

#### *Publication.*

Whereby are extended Article 32, also Articles 3 and 30, of the Decree of His Majesty The King, of the 4th of January 1826, No. 92, regarding the Registers of the Slave Population in this Colony, put in force by the Publication contained in the Official Paper of this Year, No. 1.

We, Abraham de Veer, Knight of the Order of the Belgic Lion, Major-General in the Service of His Majesty The King of the Netherlands, Governor of the Colony of Surinam, and Commander-in-Chief over the Land and Sea Forces within the same, &c. &c. &c.

To all who shall see or hear read these Presents, greeting, be it known:

WHEREAS experience has taught that a longer period than that which has been hereto prefixed, is required to establish and keep the Registers of the Slave Population amplified with a column of Mutations, and, through those means, duly to execute the limitations of the Decree of His Majesty The King, dated 4th of January of this Year, No. 92, published in this Colony on the 21st of April last, and contained in the Official Paper of this Year, No. 1, and further to continue the same by the booking of the Mutations that have occurred from the 1st of January of this Year, and will occur in future, as is prescribed to be done by the limitations of His Majesty's said Decree; likewise, that longer periods must be granted for the sending in of the Declarations from Plantations, in order not to expose the Planter to the loss of the labour of his able workmen, through the necessity of sending, at every occasion, Boats to Paramaribo to carry over the said Declarations.

And whereas, by virtue of the Order given to us by his Excellency the Minister, by his Letter of the 24th of January last, No. 98 | 3, to adopt the most proper measures for the due, as well as for the speedy, execution of the Limitations made by the aforesaid Royal Decree, we have, with the advice of our confidential Court, resolved to provide for the aforewritten impediment, by means of further limitations, to the best effect.

Therefore, we do amplify and extend the Limitations of Article 32 in particular, and also of Article 3, and of Article 30, of the said Decree, and accordingly do ordain as follows:

ART. 1.—To establish the Registers of the Slave Population, amplified with a column of Mutations, as prescribed by The King's Decree of the 4th of January 1826, No. 92, and the writing of the said Registers, time is allowed to the last of the Month of July of this Year to the Officer appointed for the said Registers, to whom two Assistants are added; and the said Registers must be in readiness at that time.

ART. 2.—The period of 14 days and of a Month, within which, according to Article 32 of the aforesaid Royal Decree, the Declarations are prescribed to be done of all increases and decreases occurred in the number of the slaves, from the 1st of January of this Year to the day of the giving in of the Declaration, shall be reckoned to begin with the 1st of the Month of August of this Year; and the said Declarations must be given in to the Registration Office within the first 14 days, as for Paramaribo, and before the last day of that Month, as for Plantations, and all the Declarations of each Deponent must be contained in one Document, according to the forms prescribed.

ART. 3.—A period of a Month is, by extension, granted, instead of 14 days, to give in the Declarations ordained by Article 3 of the Decree, from elsewhere than of Paramaribo, it being, however, understood, that such Declarations shall contain all the Mutations that have occurred from the first to the last of each Month.

ART. 4.—A period of 14 days is granted instead of that of 3 days, stipulated by Article 30 of the Decree, to the giving in of the Declarations by the Inhabitants of the Upper and Lower Districts of Nickerie, to the Land-Drost, and to the Drost of the said Districts; this, however, only for as far as the said Inhabitants reside on Plantations.

ART. 5.—In the Cases stated in Article 11, 12, 13, 14 and 15, of the said Decree, wherein Extracts of the Registers are required, it will, during the intercourse or interlapse from the publication of the Decree on the 21st of April last to the 31st of the Month of July next, inclusive, suffice to produce Certificates of the Office of the Capitation Tax to prove that the slave or slaves thereby concerned is or are known on the Yearly Lists.

And for the rest, all the Limitations of His Majesty's aforesaid Decree remain in full force and effect.

And we do ordain and command that these Presents be duly published, affixed, inserted in the Official Papers and in the Newspapers of this Colony; also, that Copies of the same be sent to circulate from Plantation to Plantation, through the several Divisions and Districts of this Colony, and be made generally known through these means, that every Person do conform to the same.

Done at Paramaribo, in the Colony of Surinam, the 5th of May, in the Year 1826, the thirteenth of His Majesty's reign. (Signed) DE VEER.

By command of his Excellency the Secretary of Government,

(Signed) J. G. RINGELING.

Published on the 6th thereunto next ensuing. The Secretary of Government,

(Signed) J. G. RINGELING.

Translated from the printed Copies, issued in this Colony of Surinam, Paramaribo, the 1st of August 1826. (L.S.) (Signed) J. G. RINGELING, Sworn Translator.

No. 131—Seen for legalisation of the Signature of J. G. RINGELING, Esq. Sworn Translator in this Colony.

Paramaribo, 1st of August 1826. The Major-General, Governor of Surinam, (L.S.) (Signed) DE VEER.

By his Excellency's Command, The Secretary of Government, (Signed) J. G. RINGELING.

### Third Enclosure in No. 110.

(Translation.)

### *Publication of the Governor of Surinam, April 19, 1826.*

*Paramaribo, Wednesday the 19th April, 1826.—No. 80.*

N B. It is hereby requested, that at the citing of these Presents, the Date and Number of the same be likewise punctually mentioned.

We, Abraham de Veer, Knight of the Order of the Belgic Lion, Major-General in the Service of His Majesty The King of the Netherlands, Governor of the Colony of Surinam, and Commander-in-Chief over the Land and Sea Forces within the same, &c., &c.

HAVING read the Letter, dated 24th January of this Year, Littera J. No. 98 | 3, of his Excellency the Minister for the Navy and Colonies, wherein his Excellency encloses to us a Copy of the Decree of His Majesty The King, dated the 4th of the said Month of January, No. 92, by which it has pleased His Majesty to make some further Limitations and Provisions to amplify the Slave Registers in this Colony, in order to serve as an efficacious curb against the Slave-trade, and further his Excellency, as being entrusted with the execution of the said Decree, empowers us to adopt the most proper measures for the speedy and due execution of the Limitations therein contained, and furthermore, his Excellency, as empowered by His Majesty, authorizes us to fix and appoint a Salary for the Publick Officer designated in Articles 23, 24, and 25 of His Majesty's Decree, and who is to be nominated by us to do the work arising from the said Decree, a minimum of the fees, which said Functionary has to demand and receive, for his profit, according to the tenour of the said Article 23, on which said Minimum accordingly he might reckon and rely as a stated income; and with regard whereto his Excellency the Minister will expect our Report and Proposal, in order to solicit His Majesty's sanction thereon:

Having heard the deliberations and advice of our confidential Court ;  
Have found proper and resolved :  
In fulfilment of the aforesaid Ministerial Order, and to the putting into effect of the aforesaid Decree of His Majesty, dated 4th January of this Year, No. 92, to issue and execute the following Publication, as its tenour purports :

(F. J.)

[See the Official Paper of this Year, No. 1.]

Under higher sanction, by alteration of the Clause of Article 23, of the aforesaid Royal Decree ; to order, as we do by these Presents, that the fees, designated and alluded to by the said Article, shall be held to the profit of, and paid to the Publick Treasury in this Colony, and that instead thereof, a stated Salary shall be appointed and allowed to the Publick Officer, which, according to Article 24 of the Decree, is to be nominated to do the work of the Registers, on which stated Salary the same might reckon and rely as a stated income, over and above which the one third part of all fines to be incurred and arising from His Majesty's said Decree, as well as from the Publication of the Governor and Court of the 18th August 1823, contained in the Official Paper of that Year, No. 5, remains allowed to the said Functionary in pursuance of Article 31 of the said Decree.

To nominate and appoint, as we do nominate and appoint by these Presents, A. A. Boers, Esq., at present Archivist at the Secretary's Office of the Court of Policy and Criminal Justice of this Colony, as Publick Officer, to do the work of the said Registers, according to the Limitations of the said Decree, on a fixed Salary of 12,000 guilders, Surinam currency, Yearly, to be reckoned from the 21st of this Month ; also on the one third part of the afore-mentioned eventual fines ; and the said A. A. Boers shall accordingly resign the said Office of Archivist, and the Yearly Salary of 4,000 guilders, Surinam currency, thereunto attached, shall cease with the 20th of this Month.

To cause Copies of these Presents to be sent to all the competent Authorities, with Conductory Letters where requisite, in order duly to execute the Limitations of these Presents, and of the afore-mentioned Publication.

To cause a Copy hereof to be sent to the nominated Publick Officer Boers, to serve as his Commission, to whom it is hereby enjoined to be sworn to the Office upon him conferred, also to fill and send in before the last of this Month to the Board of Administration of the Pension Fund, the List or Statement in triplicate, as required by the Regulation of the said Fund.

(Signed) DE VEER.

By his Excellency's command, The Secretary of Government,

(Signed) J. G. RINGELING.

Agrees with the Original. The Secretary of Government,

(Signed) J. G. RINGELING.

(Addressed) To the Mixed Court for the Abolition of Slave-trade, established in the Colony of Surinam. For a true Copy, the Secretary of the Mixed Court, for the Abolition of Slave-trade.

(Signed) G. DE VEER.

Translated from the aforesaid true Copy, written in the Dutch Language.

Paramaribo, the 31st July 1826. (L.S.) (Signed) J. G. RINGELING, Sworn Translator.

No. 127.—Seen for Legalisation of the Signature of J. G. RINGELING, Esq. sworn Translator in this Colony. The Major-General, Governor of Surinam,

Paramaribo, the 31st July 1826.

(L. S.)

(Signed)

DE VEER.

By his Excellency's Command,

The Secretary of Government,

(Signed)

J. G. RINGELING.

## No. 111.

*J. H. Lance, Esq. to Mr. Secretary Canning:—(Received December 18.)*

SIR,

*Surinam, September 25, 1826.*

HAVING in the last dry Season experienced a very severe attack of sickness, from the effects of which I am not yet perfectly recovered, and a change to a colder Climate being recommended to me by my Medical Advisers, I should feel most sensibly obliged, if you, Sir, would have the goodness to procure His Majesty's permission for me to pass a few Months in England in the ensuing Year, for the purpose of re-establishing my health.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
    &c.      &c.      &c.

(Signed)

J. H. LANCE.

## No. 112.

*His Majesty's Commissioners to Mr. Secretary Canning.*—(Received Dec. 18.)

SIR,

*Surinam, October 14, 1826.*

WE have the honour to acknowledge the receipt of your several Despatches of the present Year, dated June 28th 1826, and July 8th 1826, with their respective Enclosures. We have the honour to be, &c.

(Signed)

CHRIS. EDWD. LEFROY.  
J. H. LANCE.

*The Right Hon. George Canning,*  
    &c.                      &c.                      &c.

## No. 113.

*Joseph Planta, Jun. Esq. to J. H. Lance, Esq.*

SIR,

*Foreign Office, December 29, 1826.*

MR. SECRETARY CANNING has received your Letter of the 25th of September 1826; and I am directed by him to state to you, that, under the circumstances which you mention, with respect to your health, Mr. Canning consents to grant you permission to return to England, in the ensuing Year, for a period of 6 Months, if the state of your health should require it.

You are aware that your Salary will be diminished by one-half during your absence, and, that the time during which you are absent, cannot be counted in that period of "actual service at your Post," in consideration of which a Pension may eventually be granted to you.

I am, &amp;c.

*J. H. Lance, Esq.*

(Signed)

JOSEPH PLANTA, JUN.

## No. 114.

*Mr. Secretary Canning to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 30, 1826.*

I HAVE received your Despatches up to the 14th of October 1826.

His Majesty's Government have learnt with much satisfaction, the Regulations which have been adopted for the Registration of Slaves in Surinam, with a view to the more effectual suppression of any attempts which might be made to carry on an illegal Traffick in Slaves in that Country.

I send to you, for your information, the accompanying Copy of a Despatch which, by His Majesty's Command, I have addressed upon this subject to His Majesty's Ambassador at the Court of The King of the Netherlands.\*

I am, &amp;c.

*His Majesty's Commissioners.*

(Signed)

GEORGE CANNING.

\* See Class B.

301  
**Class B.**

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**CORRESPONDENCE**

WITH

**FOREIGN POWERS,**

RELATING TO

**THE SLAVE TRADE.**

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1826—1827.

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*Presented to both Houses of Parliament, by Command of His Majesty,  
1827.*

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LONDON :

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-ROW, WESTMINSTER.



## Class B.

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# Class B.

## CORRESPONDENCE

WITH

## FOREIGN POWERS.

### SPAIN.

No. 1.

*The Right Hon. F. Lamb to Mr. Secretary Canning.—(Received May 1.)*

(Extract.)

*Madrid, April 22, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatches to the 25th February, upon the Slave-trade.

All complaints on this subject are at present answered, by a reference to the Orders recently transmitted to the Havannah. The Duke of Infantado declares his hope and belief, that these will be fully executed; and asserts the continuation of the determination of His Catholick Majesty to co-operate effectually in putting down this Traffick.

It has lately been represented to me, that Vessels have been fitted out at Cadiz, for the purpose of trading for Slaves on the Coast of Africa; but I have been deterred from speaking upon the subject to the Duke of Infantado, by the knowledge that their equipment was completed at Gibraltar. In confirmation of this, I enclose a Copy of a Letter from His Majesty's Consul at Cadiz to General Don.

*The Right Hon. George Canning,*  
*&c. &c. &c.*

(Signed) F. LAMB.

Enclosure in No. 1.

*J. M. Brackenbury, Esq. to the Lieut.-Governor of Gibraltar.*

SIR,

*British Consulate, Cadiz, February 23, 1826.*

I HAVE but a moment to save the Post, and must therefore briefly state, that, if your Excellency will be pleased to cause enquiry, whether a Vessel called the "*Cantabro*" be now in the Port of Gibraltar, you will find that she is completing her Outfit for a Slave Adventure.

She sails under French Colours, and belongs to a wealthy Merchant in this City, named Joaquim de Trueba.

Policies of Insurance are this day underwriting upon that Vessel; the risk from Gibraltar to the Coast of Africa, thence with a Cargo of Slaves to Cuba.

Your Excellency, upon this information, will, I presume, have no difficulty in causing search to be made.

The last Voyage which the "*Cantabro*" made was very quick, and very

profitable to the Owner. So rapidly does she sail, that, having fallen in with one of our Cruizers on the Coast of Africa, with a Cargo of Slaves on board, she sailed her out of sight in a few hours. This fact was stated as an inducement to the Underwriters for the present voyage.

I have, &c.

H. E. General Sir George Don, Bart. (Signed) J. M. BRACKENBURY.  
&c. &c. &c.

## No. 2.

*The Right Hon. F. Lamb to Mr. Secretary Canning.—(Received May 1.)*

(Extract.)

*Madrid, April 22, 1826.*

AFTER the receipt of your Despatch upon the subject, I took an early opportunity of proposing to the Duke of Infantado, the removal of the Mixed Commission from Sierra Leone to the Island of Fernando Po. Having succeeded in disposing him favourably to the measure, I wrote to him upon the subject, and have the honour to enclose Copies of my Note, and of his Answer.

This not appearing to me sufficiently explicit, I applied to him on the 17th of April, before which day I had been unable to see him, after the receipt of his Note, to learn from whom he expected the further circumstantial details which he demands; and whether he thought of employing any Persons to procure them. He answered, that he did not; and that he expected them from the British Government: I then enquired to what points these details related, whether to the agreements to be made with the Inhabitants, and to the possibility of erecting habitations; remarking, that the practicability of these arrangements could only be ascertained by their execution. He replied, that these were the points to which his Note adverted, and that whenever I could notify to him that the Commission could be lodged on the Island, His Catholick Majesty would name a Commissioner to proceed there.

I then enquired, whether, if my Government should wish it, he would give me these explanations in writing: he professed his readiness to do so.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) F. LAMB.

## First Enclosure in No. 2.

*The Right Hon. F. Lamb to the Duke of Infantado.*

*Madrid, February 12, 1826.*

THE Undersigned, &c. is directed to state to his Excellency the Duke of Infantado, His Catholick Majesty's Principal Secretary of State, that his Government has given due attention to the Remonstrances which have been repeatedly made by the Courts of Madrid and Lisbon, against the unhealthiness of Sierra Leone, as the Seat of the Mixed Commissions for the Suppression of the Slave-trade.

The provision of the Treaties is, that one only of each Commission shall sit within the Dominions of Spain and Portugal, the other within those of His Majesty. The British Government has hitherto objected to the Proposals which have been made, for the removal of the Commission to some more salutary Residence, only because the Places proposed to be substituted have been always under the Dominion, and in the actual Occupation, of one or other of the Powers proposing the Change.

One Spot has at length been pointed out, which is not liable to this objection, the Island of Fernando Po, in Latitude 3. 30. North, Longitude 8. 0. East, and wholly without any European Occupation. It is situated in the heart of the Slave-trade, its Climate is salubrious, and the Soil sufficiently

fertile. There is reason to believe, that, by an amicable arrangement with the Natives (the only Inhabitants now upon the Island), some Situation, fitted for the reception of the Mixed Commission, may be peaceably occupied; and if the Spanish Government concur in the suggestion, Great Britain will take upon herself the expence of their convenient Establishment.

The Undersigned, &c.

*His Excellency the Duke of Infantado,* (Signed) F. LAMB.  
&c. &c. &c.

Second Enclosure in No. 2. (Translation.)

*The Duke of Infantado to the Right Hon. F. Lamb.*

HONOURED SIR,

*Palace, April 3, 1826.*

I HAVE communicated to His Majesty The King, my Master, the contents of the Note which you were pleased to address to me on the 12th of last Month, relative to the Plan of transferring the Mixed Commission established at Sierra Leone, for adjudging such Cases as might arise in consequence of the Treaty concluded in 1817, respecting the Abolition of the Slave-trade, to the Island of Fernando Po, as being a Quarter more salubrious than the above, and situated in a central point of the Traffick. In reference to this Plan, and to others in connection with it, proposed by the English Government, His Majesty is only waiting for detailed Information, as to the possibility of realising the plan in question, before he accedes to the Proposal which forms the subject of your Note.

In the mean time, I avail myself, &c.

(Signed) THE DUKE OF INFANTADO.

*The Minister of His Britannick Majesty,*  
&c. &c. &c.

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No. 3.

*Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, May 6, 1826.*

I HEREWITH transmit to you, for your information, a Copy of Papers, marked A and B, relative to the Slave-trade, which has been presented to both Houses of Parliament by His Majesty's Command, in the course of the present Session.

I am, &c.

(Signed) GEORGE CANNING.

*The Right Hon. F. Lamb,*  
&c. &c. &c.

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No. 4.

*Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, May 31, 1826.*

I SEND to you the Copies of three Despatches which I have received from His Majesty's Commissioners at the Havannah, dated the 22d of February and the 16th and 23d of March,\* reporting the circumstances under which the Spanish Brigantines, "*Magico*" and "*Orestes*," have been found on the Coast of Cuba, laden with Slaves from Africa.

The Spanish Government cannot fail to feel painful regret at the cruel conduct evinced towards these unfortunate Negroes, by Subjects of His

\* See Class A. Nos. 63, 65, and 66.



Catholick Majesty; and will, I hope, be induced to submit, without further delay, for the Signature of The King of Spain, the Additional Article referred to you in my Despatch of this Series, of the 31st of January, the execution of which is calculated, more than any measure hitherto devised, to prevent similar atrocities.

I am, &c.  
*The Right Hon. F. Lamb,* (Signed) GEORGE CANNING.  
 &c. &c. &c.

## No. 5.

*Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, June 30, 1826.*

By the enclosed Copy of a Despatch from His Majesty's Commissioners at the Havannah, dated the 15th April last,\* it appears that a Royal Order of His Catholick Majesty has been published in the Island of Cuba, couched in the spirit, and to the purport, of the Decree which the Duke del Infantado announced to you as about to be passed for the more effectual Restriction of African Slave-trade Transactions connected with that Island.

You will express to the Duke del Infantado the satisfaction with which His Majesty's Government have seen this fulfilment of the expectation held out to you.

I am, &c.  
 (Signed) GEORGE CANNING.  
*The Right Hon. F. Lamb,*  
 &c. &c. &c.

\* See Class A. No. 69.

## No. 6.

*The Right Hon. F. Lamb to Mr. Secretary Canning.—(Received July 17.)*

SIR,

*Madrid, July 3, 1826.*

In compliance with the Instructions conveyed in your Despatch, dated the 31st May, I have addressed to the Duke of Infantado the Note, of which the enclosed is a Copy.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) F. LAMB.  
 &c. &c. &c.

Enclosure in No. 6.

*The Right Hon. F. Lamb to the Duke of Infantado.*

*Madrid, July 2, 1826.*

THE Undersigned has the honour to transmit to his Excellency the Duke of Infantado, Copies of Despatches, with several Enclosures, which have lately been received from His Majesty's Commissioners at the Havannah, reporting the circumstances under which the Spanish Brigantines "*Magico*" and "*Orestes*," have been found on the Coast of Cuba, laden with Slaves from Africa.

Both these Vessels have been condemned by the Mixed Commission; and the facts which have come to light on the Trials, completely justify the Statements which have been made, on former occasions, to the Government of His Catholick Majesty, as to the mode in which the Trade in Slaves is carried on. They also tend to show, that even the Measures lately adopted for the prevention of this Traffick, will fail of success, unless a greater discretionary

SPAIN.

power be given to the Cruizers of the two Nations, for the examination and detention of Slave-vessels, in Cases where no direct proof exists of the nature of their pursuits.

It appears from the Evidence given before the Mixed Commission, that it is the practice of Vessels engaged in this Traffick, to clear out for some Port on the Coast of Africa, providing themselves with regular Papers at the Havannah, for the purposes of legitimate Trade; that on arriving at their destination, they do not embark any part of the cargoes, until the whole number of slaves they require is complete. While these are collecting, they remain upon the Coast, during which time it frequently happens that they are visited by His Majesty's Cruizers (as occurred in the Case of the "*Orestes*,") but, having no slaves on board, cannot be detained. When they are ready, they take advantage of the first favourable opportunity for embarking, at once, their whole cargo (an operation which requires only a few hours), and immediately run across, disembark them at the first convenient landing-place, and return to Port in ballast.

Unless, therefore, one of these Vessels happens accidentally to fall in with a Ship-of-War on her voyage home, which probably does not happen in above one instance in ten, there is little chance of detection. All the Securities required against the employment of Ships in this Trade, and all the Regulations made with a view of ascertaining the real objects of their voyages, must prove abortive, while these means of evasion remain unprovided against.

It is obvious, therefore, that, under these circumstances, the greatest benefit would result from the Government of His Catholick Majesty consenting to the Signature of the Additional Article, which the Undersigned had the honour of proposing to his Excellency the Duke of Infantado, in his Note of the 19th of February ultimo, which would operate as a greater check to the practices of the Slave-traders, than any Measure hitherto devised. A similar Article was signed some years ago by His Majesty The King of the Netherlands, which has fully answered the purpose in view; and when the Government of His Catholick Majesty considers the details of cruelty brought to light in the enclosed Papers, and reflects on the extent of human misery which would, in so many Cases, be prevented by the adoption of the proposed Regulation, the Undersigned feels convinced that it will not hesitate to propose this Measure to His Catholick Majesty, without delay.

He avails himself, &c.

*His Excellency the Duke of Infantado,* (Signed) F. LAMB.  
&c. &c. &c.

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No. 7.

*Mr. Secretary Canning to the Right Hon. F. Lamb.*

(Extract.)

*Foreign Office, July 21, 1826.*

I AM concerned to have to send to you in the accompanying Copy of a Despatch from His Majesty's Commissioners at the Havannah, dated the 14th ultimo,\* sufficient proofs of the utter inefficacy of the Royal Decree, recently passed at Madrid, for the more effectual suppression of illegal Slave-trade in the Island of Cuba.

It is almost with despair of any useful result that I direct you to communicate with the Duke del Infantado upon this Subject; but it is necessary that you should do so, and that you should employ, in that Communication, every topick which you may think likely to make an impression on the mind of the Spanish Minister.

*The Right Hon. F. Lamb,* (Signed) GEORGE CANNING.  
&c. &c. &c.

\* See Class A. No. 75.

## No. 8.

*The Right Hon. F. Lamb to Mr. Secretary Canning.—(Received, Aug. 29.)*

(Extract.)

*Madrid, August 18, 1826.*

HAVING taken an opportunity of speaking with the Duke of Infantado on the subject of your Despatch on the Slave-trade, of the 21st ultimo, I found him warmly concurring in the dangers to be apprehended to Cuba from the importation of fresh Slaves, and convinced that the Orders given from hence would be sufficient to put a stop to it. He seemed unwilling to believe that the indisposition of the Local Authorities, and the difficulty of procuring Evidence, would be sufficient to neutralize the effect of His Catholick Majesty's Decrees.

In the course of this Conversation, I enquired of the Duke what were the objections to signing the Additional Article, to which he answered, that he was not aware of any that need prevent it; making some, however, afterwards, which were chiefly of a metaphysical nature, as to the injustice of inflicting Confiscation, where no crime had been actually committed. As I thought that, upon accurate examination, he would find these objections to be unfounded, I requested him to give me an Answer upon the Subject in writing, which he promised to do.

*The Right Hon. George Canning,  
&c. &c. &c.*

(Signed) F. LAMB.

## No. 9.

*Mr. Secretary Canning to the Right Hon. F. Lamb.*

(Extract.)

*Foreign Office, September 11, 1826.*

I HAVE received your Despatches of this Series to the 18th of August last. His Majesty's Commissioners at the Havannah have been instructed to send Home such accurate information as, at any time, they may be enabled to obtain (and more particularly such as can be supported by evidence), which may furnish grounds whereon to frame Remonstrances to the Spanish Government upon any infractions or evasions of the Treaty of 1817, and also such information as they can give upon the question, as to the effect of the Decree recently promulgated by His Catholick Majesty, for the more effectual suppression of the Slave-trade in Cuba.

I transmit to you a full Power for concluding and signing with the Ministers of Spain an Additional Article to the Treaty of 1817, upon Slave-trade, similar to that signed with the Netherlands.

The only difference which is desirable to be made between this Article and that which you will have to sign, is, that the power of acting under it should be extended to two degrees Westward of the Coast, instead of being, as at present, confined to within one degree thereof; and you will act accordingly in the Negotiation of this Article.

*The Right Hon. F. Lamb,  
&c. &c. &c.*

(Signed) GEORGE CANNING.

*Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, October 3, 1826.*

THE enclosed Papers\* contain some account of Cases, of which there have recently occurred many instances, in which the Flag of His Catholick Majesty has been abused, for the purpose of committing acts of piracy.

It appears that it is the custom of the Owners of these Spanish Piratical Vessels, the greater part of which, there is reason to suppose, are equipped at the Havannah, to send them out, fitted both for Trade and for War; but their Trade is the proscribed Trade in Human Beings, and the War they wage is a War of Piracy.

It is their practice to hover on the Coast of Africa, where, if they can conveniently barter for, and embark a cargo of Slaves, they proceed with that cargo, generally, direct to the Island of Cuba. If they do not succeed at once in this barter, or if an opportunity for piracy previously presents itself, they seize the first Vessel they meet with, preferring one that may be laden with Slaves; taking possession of the Vessel, they murder, or put on Shore, the white men found on board, and proceed with the Vessel and Cargo to Cuba, where they land the Slaves surreptitiously, at the back of the Island, and then enter in ballast at the Havannah.

An instance will be found to have recently occurred, in which an English Prize Crew has disappeared, murdered, as it is suspected, by these Pirates. The name of the Pirate Vessel in question is supposed to have been the "*Gabilar*," or "*Pelican*," and the Captain and Crew have as yet escaped the conviction and punishment due to their crimes.

Another instance, which forms the particular object of this Despatch, has more recently occurred, in the Case of a Vessel, said to be named, the "*Carolina*," whose Captain and Crew, meeting the "*Netuno*," a Slave-ship, under charge of an Officer of His Majesty's Ship "*Esk*," endeavoured to obtain the Ship's Papers, and to force that Officer to repair on board the "*Carolina*."

They were happily defeated in their object, as the accompanying Papers will show. But His Majesty's Government have, in consequence of their attempted outrage, deemed it incumbent on them to issue Orders to the Officer commanding His Majesty's Ships and Vessels on the Coast of Africa, to seize the "*Carolina*" and her Crew, if she shall be found on his Station, and to send them to England for trial; together with Mr. Crawford, and the party with him in the "*Netuno*," to give evidence.

The British Admiral commanding in the West Indies, has also been directed to give similar Instructions to his Cruizers, to be executed, in case the "*Carolina*" should be found on his Station.

His Majesty doubts not but that His Catholick Majesty will enter fully into the feelings which have prompted these proceedings for summary redress on the Pirates in question, and will give directions to His Authorities, both in the Mother Country and at Cuba, to seize the "*Carolina*" whenever they may meet with her, and to deliver up her Crew to be tried for Piracy.

You will address a Representation to this effect to the Spanish Government.

I am, &c.

*The Right Hon. F. Lamb,*  
&c. &c. &c.

(Signed) GEORGE CANNING.

\* See Class A. Correspondence, 1825—1826, No. 16, 5nd Class A. of this Series, Nos. 11 and 41.

*Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, October 6, 1826.*

AN Extract of your Despatch of the 22d April last, of this Series, which adverted to the equipments for Slave-trade, alleged to have taken place at Gibraltar, has been transmitted to the Colonial Department, and I now send to you, for your information, Copies of the several Communications which have been received at this Office from that Department, showing the measures which have been adopted by the Governor of Gibraltar, for the repression and punishment of any transactions at that Place, having for their object the promotion, direct or indirect, of African Slave-trade.

I am, &c.

*The Right Hon. F. Lamb,  
&c. &c. &c.*

(Signed) GEORGE CANNING.

First Enclosure in No. 11.

*R. W. Hay, Esq. to Joseph Planta, Jun., Esq.*

Sir,

*Downing-Street, May 20, 1826.*

I HAVE laid before Earl Bathurst your two Letters, under date of the 10th and 16th of May, in the latter of which is enclosed an Extract of a Despatch from Mr. Lamb, His Majesty's Ambassador at the Court of Madrid, in which he states, that "he had been deterred from making Representations to the Duke of Infantado, on the fitting out of Vessels at Cadiz, for the purpose of trading for Slaves on the Coast of Africa, by the knowledge that their equipment was completed at Gibraltar," and for this he refers to a Communication made by Mr. Consul Brackenbury to the Lieut. Governor of Gibraltar, which is the same Communication as that of which a Copy was transmitted to Earl Bathurst, by Mr. Secretary Canning's direction, in the first Letter, of the 10th instant. Earl Bathurst, therefore, concludes, that Mr. Lamb has no other knowledge of the truth of these allegations, than what is contained in the Communication made by Mr. Consul Brackenbury, above referred to.

The Lieutenant-Governor of Gibraltar had already communicated to Earl Bathurst a Correspondence which had taken place, with reference to the Ships stated by Mr. Consul Brackenbury to have been equipped in the Bay of Gibraltar. A Copy of this Despatch from the Lieutenant-Governor, together with its several Enclosures, and a Copy of Earl Bathurst's Instructions to the Lieutenant-Governor, dated the 13th of October 1825, referred to in the Lieutenant-Governor's Despatch, are herewith transmitted for the information of Mr. Secretary Canning.

With respect to the Draft of the Proclamation proposed by the Lieutenant-Governor to be published at Gibraltar: as any Publick Instrument generally, directing the exercise, in time of Peace, of the Right of Search, not only of British Vessels, but of Vessels belonging to Countries in amity with His Majesty, requires to be carefully examined, (regard being had to the locality of the Bay of Gibraltar, and the sensibility which Foreign Nations have shewn, with respect to this Right of Search), although confined to Vessels suspected of being engaged in the Slave-trade, Earl Bathurst referred the Draft to the Deputy Judge Advocate of Gibraltar, now on leave of absence in England, and has consulted such legal advice as appeared to be called for, and his Lordship will not fail to communicate, before the departure of the Mediterranean Mail, for Mr. Secretary Canning's information, a Copy of the amended Draft of the Proclamation, which the Lieutenant-Governor will be instructed forthwith to publish.

I am, &c.

*Joseph Planta, Jun. Esq.  
&c. &c. &c.*

(Signed) R. W. HAY.

First Enclosure (A.) in No. 11.

*The Lieutenant-Governor of Gibraltar to Earl Bathurst.*

MY LORD,

*Gibraltar, February 12, 1826.*

HAVING received from Mr. Brackenbury, His Majesty's Consul at Cadiz, a Letter, of which the enclosed is a Copy, in which he expresses a belief that the Spanish Brig, called the "*Maria Isabel*," sailed from that Port on the 20th ultimo, for this Place, for the purpose of completing her outfit here for the Slave-trade, I directed the Captain of the Port to make diligent enquiries on the subject, and report to me thereon, which he has done, but without having discovered any thing which could lead to a supposition that the Vessel in question is bound on a Slaving-voyage, as your Lordship will perceive by the accompanying Copy of that Officer's Report.

Under the above circumstances, I referred Mr. Brackenbury's Letter and Mr. Sweetland's Report to Mr. Foye, the principal Law Officer here, for his opinion, as to what further steps should be taken respecting the Vessel in question; and by the annexed Copy of Mr. Foye's Report, it appears, with reference to these Papers, that there are no facts before me whereon to ground legal Proceedings, touching the said Vessel.

But in pursuance of your Lordship's Instructions, contained in your Letter of the 13th October last, I have used my best endeavours to obtain further information, relative to the "*Maria Isabel*," as well as the Schooner "*Proserpina*," (concerning which I had the honour of writing to your Lordship on the 27th July last), and this information being more circumstantial than the Statements contained in those Letters, I have considered it my duty, with the advice of Mr. Foye, to prepare a Proclamation, of which the enclosed is a Draft, to empower the Captain of the Port to detain, and diligently to search, all Vessels which may be suspected of being engaged in the Slave-trade, and which I trust your Lordship will approve; as being not only the most likely mode of detecting such illegal proceedings, but also of intimidating such Persons as may be disposed to engage in them.

It is proper that I should acquaint your Lordship, that the "*Maria Isabel*" was consigned to Mr. Achoval, a Spanish Merchant, now residing in this Garrison.

I have, &c.

(Signed)

GEO. DON,

General and Lieut.-Governor.

*The Right Hon. Earl Bathurst, K. G.*

&c.

&c.

&c.

P. S.—Since writing the above, I have received another Communication from Mr. Brackenbury, in which he states, that Policies of Insurance have been effected at Cadiz, both upon the "*Maria Isabel*" and the "*Dichosa*," the former at 23, and the latter at 20 per cent.; and that the risk on both was to the Coast of Africa, and thence with Slaves to the Havannah. (Signed) G. D.

First Enclosure (B.) in No. 11.

*Mr. Consul Brackenbury to the Lieutenant-Governor of Gibraltar.*

SIR,

*British Consulate, Cadiz, January 23, 1826.*

I APPREHEND that your Excellency will find, upon enquiry, that the Brig-Schooner "*Maria Isabel*," which sailed from this Place on the 20th, for Gibraltar and St. Thomas, is gone to the Fortress of Gibraltar, not to take in a cargo for St. Thomas, but to complete her outfit for the Coast of Africa, her real object being the illegal and inhuman Traffick in Slaves; and it is my duty, I conceive, to call your Excellency's attention to the fact, lest any British Subject residing in Gibraltar should be concerned in any part of so disgraceful a proceeding. It might perhaps be advisable to keep a look-out upon a Spanish Schooner, called "*La Dichosa*," if she should be at Gibraltar.

She sailed with the "Maria Isabel" from hence on the 16th, nominally for St. Thomas, and it was not until the former Vessel put back for some repairs, on the 17th, that I discovered in the *Maritime Diario of Cadiz*, that she had sailed on the preceding day for Gibraltar; that fact was not mentioned in the same Paper of the 16th.

I have, &c.

(Signed)

J. M. BRACKENBURY.

*His Excellency Sir George Don, G.C.B.*

&c.

&c.

&c.

First Enclosure (C.) in No. 11.

*Captain Sweetland to the Lieutenant-Governor of Gibraltar.*

SIR,

*Gibraltar, January 27, 1826.*

IN attention to your Excellency's commands, I have made enquiry respecting the destination of the Spanish Vessel "*Maria Isabel*," and have failed to procure any information which could lead to a supposition of her being bound on a Slaving-voyage. I have seen the Consignee of this Vessel on the subject, and explained to him the disgrace which must attend detection in being concerned in the fitting or supplying Vessels destined for such purpose. He received my observations with becoming indignation, asking the name of the author of the report. I said I could not tell him who he was, but that your Excellency had received positive information from Cadiz, that the "*Maria Isabel*" was fitted for a Slaving-voyage, and should the report be true, he, as the Consignee and Shipper of goods on board her, became, by our Laws, a principal in the delinquency.

It is much to be regretted that no clue is furnished for tracing this transaction; it is still more so that the Information was not furnished to the Spanish Authorities, instead of your Excellency, as by the Slave Treaty with Spain, a Spanish Vessel cannot be detained on suspicion of being engaged in Trading in Slaves, unless she have actually Slaves on board. The Spanish Government, on the other hand, might, on complaint, have caused the Ship to be searched; and if shackles, or large boilers, or certain other articles, used on board Slave-ships, might have been found on board, legal measures would have been taken with the Parties concerned. At all events, these Informations should be laid publicly and officially, and some reasonable ground of suspicion stated. According to the present practice, your Excellency is charged with all the responsibility of an Information, and at the same time deprived of the means of acting on it. I should strongly recommend your Excellency to consult the Crown Lawyers on this Communication, with a view to ascertain what steps the Slave Act, and Slave Treaties with Spain, enable you to take in the premises, bearing in mind always, that the Cadiz Information is unaccompanied by any corroborating proof, or even suspicion; and that the Consignee affirms the destination of the Vessel to be the Danish Island of St. Thomas, from whence, or Cuba, she is to return with a cargo of Indigo and Cochineal.

The "*Dichosa*" is not here.

I have, &c.

(Signed)

WILLIAM SWEETLAND.

*His Excellency General Sir George Don, G.C.B.*

&c.

&c.

&c.

First Enclosure (D.) in No. 11.

*W. Foye Esq. to Colonel Chapman.*

SIR,

*Court House, Gibraltar, February 4, 1826.*

WITH reference to your Letter of the 30th of January, transmitting to me

the Letters of Mr. Consul Brackenbury and Mr. Sweetland, on the subject of the Spanish Vessel "*Maria Isabel*," suspected to be fitting out for the Slave-trade; and requesting, by the desire of his Excellency the Lieut.-Governor, my opinion for the information of his Excellency, as to any and what steps should be taken respecting the Vessel in question; I have to request you will inform his Excellency, as my opinion, that, with reference to the Letters above stated, his Excellency has not any facts before him whereon to ground legal Proceedings, touching the Spanish Vessel the "*Maria Isabel*."

I have, &c.

Colonel Chapman, C.B.

(Signed)

W. FOYE.

First Enclosure (E.) in No. 11.

(Draft.) *Proclamation by His Excellency Sir George Don, &c. &c. &c.*

WHEREAS his Excellency the Lieutenant-Governor has received information, that several Vessels have recently come to this Port, for the purpose of completing their preparations for the inhuman and detestable Traffick in Slaves; and whereas the acts of all Persons who may be engaged or concerned in the equipment or lading of Vessels, whether British or Foreign, in a British Port, for the Slave-trade, are in direct violation of the late Acts of Parliament, which render such proceedings highly penal: With a view, therefore, to lead to the detection and prosecution of such Persons as may appear, on sufficient evidence, to be engaged or concerned in such illegal Traffick, his Excellency is hereby pleased to empower and direct the Captain of the Port to detain, and diligently to search, all Vessels touching here, which may be suspected of being engaged, or about to be engaged, in the Slave-trade, and to report to his Excellency forthwith such grounds of accusation as the result of his search and enquiries may enable him to make; of which Publick Notice is hereby given, that none hereafter may plead ignorance.

Given at Gibraltar, this       day of       1826.

By Command.

First Enclosure (F.) in No. 11.

*Mr. Consul Brackenbury to the Lieutenant-Governor of Gibraltar.*

Sir,

British Consulate, Cadiz, February 16, 1826.

IN proof of the wisdom of the measures which your Excellency has so recently resolved to adopt, and in corroboration of the accuracy of the information which I transmitted on the 23d ultimo;

I have now the honour to acquaint your Excellency, that Policies of Insurance have been effected in this City, both upon the "*Maria Isabel*" and the "*Dichosa*," the former at 23, the latter at 20 per cent. The risk on both was to the Coast of Africa, thence with Slaves to the Havannah.

I have, &c.

(Signed)

J. M. BRACKENBURY.

*His Excellency Sir George Don, G.C.B.*

&c.

&c.

&c.

First Enclosure (G.) in No. 11.

*The Lieutenant-Governor of Gibraltar to Earl Bathurst.*

My Lord,

Gibraltar, March 2, 1826.

I HAVE the honour to transmit to your Lordship, herewith, a Copy of a Letter which I have received from Mr. Brackenbury, His Majesty's Consul



at Cadiz, respecting a Spanish Vessel under French Colours, named "*Cantabro*," which he suspects has come to this Place, for the purpose of completing her preparations for a Slave adventure.

Immediately on the receipt of Mr. Brackenbury's Letter, I caused enquiry to be made on the subject, by which it appears, that a French Brig, under the above-mentioned name, arrived in this Port on the 18th January last, from Antwerp, and cleared from hence, on the 21st of the same month, for St. Thomas. This Vessel was consigned to Messrs. Perez and Calafat, Spanish Merchants, in this Garrison, and is, I have little doubt, the same Vessel as that mentioned in Mr. Brackenbury's Letter.

I have, &c.

(Signed)

GEORGE DON,

*The Right Hon. Earl Bathurst, K.G.*

General and Lieut.-Governor.

&c.

&c.

&c.

First Enclosure (H.) in No. 11.

*Mr. Consul Brackenbury to the Lieutenant-Governor of Gibraltar.*

SIR,

*British Consulate, Cadiz, February 23, 1826.*

I HAVE but a minute to save the Post, and must therefore briefly state, that if your Excellency will be pleased to cause enquiry, whether a Vessel called the "*Cantabro*" be now in the Port of Gibraltar, you will find that she is completing her outfit for a Slave adventure.

She sails under French Colours, and belongs to a wealthy Merchant in this City, named Joaquim de Trueba.

Policies of Insurance are this day underwriting upon that Vessel; the risk from Gibraltar to the Coast of Africa, thence with a cargo of slaves to Cuba.

Your Excellency upon this information, will, I presume, have no difficulty in causing search to be made.

The last voyage which the "*Cantabro*" made was very quick, and very profitable to the Owner. So rapidly does she sail, that having fallen in with one of our Cruizers on the Coast of Africa, when she had a cargo of slaves on board, she sailed her out of sight in a few hours: this fact was stated as an inducement to the Underwriters for the present voyage.

I have, &c.

(Signed)

J. M. BRACKENBURY.

*His Excellency Sir George Don, G.C.B.*

&c.

&c.

&c.

First Enclosure (I.) in No. 11.

*Earl Bathurst to the Lieutenant-Governor of Gibraltar.*

SIR,

*Downing-Street, October 13, 1825.*

I HAVE to acknowledge the receipt of your Despatch of the 27th July last, enclosing Copies of a Correspondence which has passed between you and His Majesty Consul at Cadiz, together with a Report from the Captain of the Port of Gibraltar, relative to the Spanish Schooner "*Proserpina*," which is conceived to have been fitted out there for the purpose of being employed in the Slave-trade, and you request to be furnished with Instructions for the guidance of your conduct, in the event of any Spanish Vessel attempting in future to fit out for the Slave-trade.

Upon this subject, I have to acquaint you, in reply, that the acts of all Persons who may be concerned in the equipment or lading of Vessels, whether British or Foreign, in a British Port, for the Slave-trade, are con-

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trary to the Abolition Laws, which are now consolidated in the 5th Geo. 4, Cap. 113, of which I enclose a Copy for your information.

You will observe, that the 2d, 4th, 7th, and 10th Sections of that Statute, render such proceedings highly penal, and it is your duty to encourage any information against the offences under that Act, which can be supported on proper evidence.

The 4th Section authorizes the Seizure of the Ship; and if sufficient Evidence could be obtained, the Vessels might be seized and prosecuted. It will be necessary, however, that you should proceed with great caution, and you will take care to collect and transmit accurate descriptions of the Vessels and Persons who may be suspected of being engaged in the Slave-trade, on reasonable grounds, though there may not be sufficient Evidence to warrant proceedings against them.

I have, &c.

(Signed) BATHURST.

H. E. General Sir George Don, G. C. B.  
&c. &c. &c.

Second Enclosure in No. 11.

*R. W. Hay, Esq. to Joseph Planta, Jun. Esq.*

SIR,

*Downing-Street, June 15, 1826.*

WITH reference to my Communication of the 20th ultimo, I have received the directions of Earl Bathurst to transmit to you, enclosed, a Copy of the Draft of a Proclamation, which his Lordship proposes to instruct the Lieutenant-Governor of Gibraltar to promulgate in that Garrison, for the purpose of making known the penalties which are denounced by Law against all Persons who shall infringe the provisions of the Slave Abolition Acts; and I am to desire, that you will lay this Paper before Mr. Secretary Canning for his information.

I am, &c.

*Joseph Planta, Jun., Esq.*  
&c. &c. &c.

(Signed) R. W. HAY.

Second Enclosure (A.) in No. 11.

*Draft of Proclamation to be issued by the Lieutenant-Governor of Gibraltar.*

WHEREAS it hath been represented to us, that certain Ships and Vessels owned by the Subjects of Foreign States in Amity with His Majesty, are suspected to have entered the Bay of Gibraltar, and the Roadstead, and Anchorage Ground of Gibraltar, for the purpose of fitting out, or completing their outfit for voyages undertaken by them, for the purpose of carrying on the Trade in Slaves on the Coast of Africa; now, We, being desirous to the utmost of our power to prevent all such illegal practices, do hereby warn all His Majesty's Subjects within the said Garrison and Territory of Gibraltar, and the Port, Roadstead, and Anchorage Ground thereof, that any Person or Persons who shall be engaged in the fitting out, manning, navigating, equipping, dispatching, use, or employment, letting, or taking to freight, or on hire; or who shall contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight, or on hire; any Ship, Vessel, or Boat, in order to accomplish any of the objects or contracts declared unlawful by the Statute made and enacted by His Majesty, with the advice and consent of the Parliament of the United Kingdom of Great Britain and Ireland, in the 5th Year of His Majesty's Reign, for the Abolition of the Slave-trade; or who shall lend or advance, or become security for the loan or advance, or who shall contract for the lending or advancing, or for the loan or advance of money, goods, or effects, employed, or to be employed, in accomplishing any of the illegal objects or contracts aforesaid; or who shall become guarantee and

security, or contract for the becoming guarantee or security, for Agents employed, or to be employed in accomplishing any such illegal objects or contracts; or who shall in any other manner engage, or contract to engage, directly or indirectly therein; or who shall ship, tranship, lade, receive, or put on board, or contract for the shipping, transshipping, lading, receiving, or putting on board, of any Ship, Vessel, or Boat, money, goods, or effects to be employed in accomplishing any of the said illegal objects or contracts, shall and will incur and become subject and liable to all and singular the pains, penalties, and forfeitures, provided in and by the said Statute, for the punishment of Persons guilty of all, or any of the Offences aforesaid; and We do hereby strictly command and enjoin all Judges and Officers, Civil and Military, and all other His Majesty's Subjects within the Town and Garrison of Gibraltar, that they and each of them in their respective Places, be, to the utmost of their respective ability, assisting in the prevention or detection of all such Offences as aforesaid, as they will answer the contrary at their peril; and We do hereby warn and strictly command and enjoin all His Majesty's Subjects within the said Garrison and Territory, that they do abstain from all such illegal practices, and from aiding, comforting and abetting any Person or Persons engaged therein, on pain of His Majesty's highest displeasure, and of incurring the several penalties in and by the said Act of Parliament in that behalf provided.

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Third Enclosure in No. 11.

*R. W. Hay, Esq. to Joseph Planta, Jun. Esq.*

SIR,

*Downing-Street, September 16, 1826.*

WITH reference to your Letters of the 10th and 16th of May last, on the subject of certain Vessels which the British Consul at Cadiz was induced to believe had completed their equipments at Gibraltar for the African Slave-trade; I am directed by Earl Bathurst to enclose, for the information of Mr. Secretary Canning, Copies of a Despatch, and its Enclosures, received from Sir George Don, in Answer to one which was addressed to him in consequence of those Communications; and I am to request, that you will submit to Mr. Canning, Earl Bathurst's opinion, that, as His Majesty's Minister at Madrid, in his Answer to Sir George Don's enquiries, states, that he had no other information of the Slave-trade being carried on through assistance obtained at Gibraltar, than what he derived from Mr. Consul Brackenbury, it does not appear, according to the Correspondence which had taken place, from time to time, on this subject, between the Consul and Sir George Don, Copies of which were transmitted to you in my Letter of the 20th May last, that it can be justly imputed to the latter, that he had allowed Vessels fitted out at Cadiz for the Slave Trade to be completed at Gibraltar, the report of which prevented His Majesty's Minister at Madrid from entering into discussions on that subject with the Duke of Infantado.

I am, &c.

*Joseph Planta, Jun. Esq.*  
 &c. &c. &c.

(Signed) R. W. HAY.

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Third Enclosure (A.) in No. 11.

*The Lieutenant-Governor of Gibraltar to Earl Bathurst.*

MY LORD,

*Gibraltar July 20, 1826.*

I HAVE had the honour of receiving your Lordship's Despatch of the 21st May last, enclosing Copies of Two Communications from the Foreign Office, of the 10th and 16th of the same Month, on the subject of certain Vessels, which it is alleged had completed their equipment at this Place, for

the African Slave-trade, and desiring that I would lose no time in transmitting to your Lordship whatever Correspondence may have passed, not hitherto transmitted, between me and Mr. Brackenbury, His Majesty's Consul at Cadiz, in regard to the Vessels in question, or to any others which may be presumed to have come to the Place, for a similar purpose; and also instructing me to apply to His Majesty's Minister at Madrid, for the purpose of learning whether he is in possession of any facts, or general information upon this subject, beyond the statements which he has received from Mr. Brackenbury.

I have now the honour to acquaint your Lordship, that Copies of the whole of the Correspondence which passed between myself and Mr. Brackenbury, respecting the Vessels alluded to, together with such information as I had obtained on the subject, accompanied my Communications to your Lordship of the 27th July 1825, 12th February, and 2d March 1826. I find, however, that two Letters on the same subject, which were addressed to the Earl of Chatham by Mr. Brackenbury in July 1824, were not transmitted to your Lordship; and I beg, therefore, to enclose Copies of them herewith, and likewise Copies of the Answers which were given to them by his Lordship's directions.

By the annexed Copy of a Letter, which I have received from His Majesty's Minister at Madrid, your Lordship will observe, that he is in possession of no information on the subject of Vessels fitting out for the Slave-trade at this Port, beyond the statements received from Mr. Brackenbury.

I have, &c.

(Signed) GEORGE DON,

*The Right Hon. Earl Bathurst, K. G.*

General and Lieut.-Governor.

&c. &c. &c.

Third Enclosure (B.) in No. 11.

*Mr. Consul Brackenbury to the Governor of Gibraltar.*

MY LORD,

*British Consulate, Cadiz, July 12, 1824.*

I THINK it right to acquaint your Excellency that two Spanish Vessels are fitted out in this Port, in such a manner as to leave no doubt, that it is the intention of the Owners to employ them in the Slave-trade.

Facts so notorious as these cannot be unknown to the Spanish Authorities here; and the objects of the Owners of these Vessels have been facilitated by granting them Licences to carry Guns. The particulars of the Vessels, with their reputed destinations, I have the honour to enclose; one of which, the "*Alerta*," sailed yesterday for Gibraltar; I understand that four more Vessels are about to be taken up here for the same inhuman traffick.

I have apprised Mr. Secretary Canning of these occurrences, as well as his Excellency Sir William à Court; and I do myself the honour to submit them likewise to your Excellency, that they may be made known to the Officers of the British Navy touching at Gibraltar, in case any of them should be ordered to the Coast of Africa.

I have no reason to believe that there is any other Capital than that of Spaniards in this odious Enterprize.

I have the honour to be, &c.

(Signed) J. M. BRACKENBURY.

Spanish Schooner "*Bella Dolores*," Don Antonio Guerrero, Master, burthen 170 tons, James Tinto, Owner, bound to St. Augustin, in the Island of Madagascar.

Brig "*Alerta*," Don Antonio Echeverria, Master, burthen 290 tons, Miguel Azopardo, Owner, bound to Gibraltar and Havannah.

(Signed) J. M. BRACKENBURY.

*H. E. General the Earl of Chatham, K. G.*

&c. &c. &c.

Third Enclosure (C.) in No. 11.

*Colonel Chapman to Mr. Consul Brackenbury.*

SIR,

*Gibraltar, July 20, 1824.*

HIS EXCELLENCY the Governor has desired me to acknowledge the receipt of your Letter of the 12th instant, on the subject of two Spanish Vessels fitting out in the Port of Cadiz, in such a manner as to induce you to believe that it is the intention of the Owners to employ them in the Slave-trade, and that one of them (the *Alerta*) had sailed for this Place. In reply thereto, his Lordship has directed me to express his thanks for the zeal you have manifested, and that, should any British Men-of-War touch at this Place for the Coast of Africa, his Lordship will avail himself of your suggestion, to give them the information contained in your Letter.

I have, &c.

*J. M. Brackenbury, Esq.*

(Signed)

S. R. CHAPMAN.

Third Enclosure (D.) in No. 11.

*Mr. Consul Brackenbury to the Governor of Gibraltar.*

MY LORD,

*British Consulate, Cadiz, July 17, 1824.*

I HAD to address your Excellency on the 5th and 12th instant, since which time one of the Spanish Vessels alluded to in my Letter, namely, the "*Alerta*," has sailed from the Port, and is now in Gibraltar Bay, taking in such a cargo as demonstrates too plainly the inhuman trade in which the Owner means to employ her.

Amongst other things, the Brig has been taking in iron, which has been cut into bars of short lengths, a strong presumptive proof that the investment is for the Coast of Africa. It is my duty, my Lord, to represent to your Excellency such facts connected with this disgraceful Enterprise as have come to my knowledge, facts upon which your Excellency might place every reliance, if they were not susceptible of corroboration, at the Seat of your own Government: namely, that the Spanish Brig "*Alerta*," Antonio Echeverria, Master, is now completing her cargo, for the Coast of Africa, in the Port of Gibraltar; that she is nominally consigned to an English House there, but is virtually under the direction of the Owner, Miguel Azopardo.

As the nominal Consignees are young men of respectability, it is most earnestly to be hoped that they are ignorant of the enormity of their conduct, in suffering themselves to be instrumental to the detestable project of the Owner, by being purchasers for him, in an English Settlement, of the Articles which he wants for the outfit of a Slave-ship, though cloaked by him under false, and, perhaps, plausible pretences; what is, however, known to me at Cadiz, and to others, ought to be known to the nominal Consignees at Gibraltar; and I conceive, too, that your Excellency should likewise know that Miguel Azopardo, the Owner of the "*Alerta*," is himself at Gibraltar, directing every purchase, and superintending every other preparation of his Brig, the "*Alerta*," for a Slave voyage to the Coast of Africa.

I have, &c.

(Signed)

J. M. BRACKENBURY.

*H. E. General the Earl of Chatham, K.G.,*

&c.

&c.

&c.

Third Enclosure (E.) in No. 11.

*Colonel Chapman to Mr. Consul Brackenbury.*

SIR,

*Gibraltar, July 28, 1824.*

YOUR Letter to his Excellency the Governor, of the 17th instant, relative to the Spanish Brig "*Alerta*," mentioned also in your former one of the

5th instant, has been received, and his Lordship has directed me to repeat his assurance of giving the necessary information, should any of His Majesty's Vessels, bound for the Coast of Africa, touch at this Place, in their way for that destination. I have, &c.

*J. M. Brackenbury, Esq.*

(Signed)

S. R. CHAPMAN.

Third Enclosure (F.) in No. 11.

*The Right Hon. Frederick Lamb to the Lieutenant-Governor of Gibraltar.*

SIR,

*Madrid, July 7, 1826.*

WITH reference to your Letter of the 28th ultimo, I have to acquaint you, that I am in possession of no information on the subject of Vessels fitting out for the Slave-trade, beyond the Statements received from Mr. Brackenbury. Should any facts come to my knowledge, I shall lose no time in communicating them to you.

I have, &c.

*H. E. Gen. Sir George Don, K.C.B.*  
 &c.                      &c.                      &c.

(Signed) F. LAMB.

No. 12.

*Mr. Secretary Canning to the Right Hon. Frederick Lamb.*

SIR,

*Foreign Office, November 10, 1826.*

I HAVE to transmit to you the accompanying Copies of Despatches from His Majesty's Commissioner at the Havannah\*.

These Despatches prove most clearly that the Royal Order, transmitted from Madrid to the Havannah, for the more effectual execution of the Stipulations on African Slave-trade, is become a mere dead letter; and that the Colonial Authorities of His Catholick Majesty, to whom the execution of this Order was especially confided, not only connive at the evasion of it, but openly shew that the discretionary power which they possess, will be made use of by them, to screen from detection and punishment the most clear and undoubted Slave-trade transactions, in the very Port of the Capital of the Province, and before the eyes of the Governor himself.

The "*Minerva*," a Spanish Slave-trader, was chased into the Havannah by His Majesty's Sloop "*Pylades*;" demand was made for her examination by the Mixed Commission, and a refusal was given by the Governor, on the pretext that she was not actually captured; the real fact being, that she escaped into the Port of the Havannah, and that the British Officer (out of respect to His Catholick Majesty's Flag), instead of taking possession of her, requested the interference of that very Governor to fulfil the Orders of his Sovereign.

Boats full of Slaves were seen to hurry from this Vessel. British Officers, placed in a Boat near the Vessel, solemnly attested the fact. The Governor, on its being represented to him, treated the statement of His Majesty's Officers as utterly unworthy of credit, and still refused to proceed against the Vessel, alleging, that there was no pretence for supposing that she had traded in Slaves; and although the regular Gazette of the Port had, on her com-

\* See Class A.—Nos. 84, 86, 88, and 89.

mencing her voyage, declared that she was sailing for Africa, the Governor intimated, that that account also was not to be believed, and that she came, as the Captain now reported her, from Puerto Rico.

A British Officer then went on board of the Vessel, and found every thing indicating that her cargo had been Slaves. The Governor still declined to act, even so far as to take the Depositions, declaring all the reports against the Vessel to be idle rumours.

It further appears, that, subsequently, some Slaves from this Vessel were, on their passage from the Havannah to a Port at the back of the Island, taken by a British Cruizer, and that the Vessel on board of which they were was tried by the Mixed Commission. Such, however, is the intimidation employed in the Island of Cuba against those who denounce Slave-traders, that the very Person, on whose information the capture was made, dared not give in Court his Evidence to the facts of which he was a Witness.

A question being put, in the course of the Proceedings, whether the Slaves were part of the cargo of the "Minerva," the Spanish Commissioners objected to it, on the ground that such questions did not involve the immediate merits of the Case before them, and it was not until the Spanish Governor had understood that the British Schooner was swamped, to which the Officer and men belonged, who had witnessed the disembarkation of the Slaves, that he offered to take their Depositions.

The extraordinary conduct of the higher Authorities, in regard to this Case of the "Minerva," can only be explained by a suspicion, which cannot but be attached to the conduct of these Authorities, namely, that they themselves must be in some degree interested in the success of these illegal transactions.

With these causes, however, His Majesty's Government have nothing to do; but they cannot silently see the solemn Compacts entered into between the two Countries thus flagrantly infringed.

I have to desire, therefore, that you will bring these facts to the knowledge of the Government of His Catholick Majesty, and will acquaint the Spanish Minister, that His Majesty's Government do not presume to judge what steps it is necessary for the Spanish Government to take, in respect to the Authorities who have thus acted in direct opposition to the Instructions, and abused the high power entrusted to them by their Sovereign; but that, unless some step be taken by the Spanish Government to protect and ensure the execution of the Instructions issued by them, in conformity to their Treaty, it is little less than a mockery to allow His Majesty's Commissioners to reside any longer at the Havannah, a Port which the Slave-traders will henceforth consider as the Harbour for their Cargoes, and for which they will openly and directly run their Vessels, laden with Slaves, as the safest mode of ensuring the success of their undertakings.

I am, &c.

(Signed)

GEORGE CANNING.

*The Right Hon. Frederick Lamb,*  
 &c.      &c.      &c.

### No. 13.

*Mr. Secretary Canning to the Right Hon. Frederick Lamb.*

SIR,

*Foreign Office, December 14, 1826.*

I HEREWITH send to you the Copy of a Letter from His Majesty's Consul at Cadiz, dated the 26th of October last, enclosing a publick Advertisement in the Gazette of that City, for the sale of a Negress.

You have been made aware that similar Advertisements have already

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more than once, during the time which you have held His Majesty's Mission at Madrid, appeared in the publick Newspapers of Cadiz.

These acts of slave purchase and sale, in Spain itself, are entirely repugnant to the spirit of the Stipulation by which the Catholick King, in the 1st Article of the Treaty of 22d of September 1817, "engages to His Majesty, that the Slave-trade shall be abolished throughout the entire Dominions of Spain, on the 30th day of May 1820."

I have received The King's Commands, therefore, to desire, that you will place these facts before the Spanish Government, with the expression of His Majesty's hope, that you will receive in Answer, an intimation, that Orders will be given, immediately and publickly, for the discontinuance of a practice which, by its prevalence in the Mother Country, must afford an example, the effect of which cannot but be injurious to the due maintenance of the Faith pledged by His Catholick Majesty in his Compacts with this Country, for the abolition of the Slave-trade. I am, &c.

*The Right Hon. Frederick Lamb,* (Signed) **GEORGE CANNING.**  
&c. &c. &c.

First Enclosure in No. 13.

*Mr. Consul Brackenbury to John Bidwell, Esq.*

SIR,

*Cadiz, October 26, 1826.*

I BEG to enclose a Cadiz Diario of yesterday, which contains an Advertisement for the sale of another Negress.

I have made this fact known to his Excellency Mr. Lamb.

I have, &c.

*John Bidwell, Esq.*

(Signed) **J. M. BRACKENBURY.**

Second Enclosure in No. 13.

(Translation.)

(1.)—*Extract from the Diario Mercantil of Cadiz, Wednesday, Oct. 25. 1826.*

A NEGRESS, 20 years of age, is to be sold. She knows how to sew, to wash, to iron, to cook, &c. Further particulars in the Calle de las Escuelas, No. 160.

No. 14.

*Mr. Secretary Canning to the Right Hon. Frederick Lamb.*

SIR,

*Foreign Office, December 15, 1826.*

IN reference to my Despatch to you of this Series, dated the 10th ultimo, upon the subject of the flagrant acts of Slave-trade, committed openly and with impunity, in the Case of the Slaves imported into the Havannah, on board of the Spanish Schooner "*Minerva*," and afterwards transported into another part of the Island of Cuba on board of the Spanish Steam-vessel "*Mexicano*;" I have to transmit to you the Copy of a Communication from the Admiralty to this Department, containing some further details upon the subject of this Case.

You will make such use as may appear to you to be be advisable of these Documents, in your Correspondence with the Spanish Government upon the matter in question. I am, &c.

*The Right Hon. Frederick Lamb,* (Signed) **GEORGE CANNING.**  
&c. &c. &c.



## First Enclosure in No. 14.

*John Barrow, Esq. to Joseph Planta, Jun. Esq.*

SIR,

*Admiralty Office, December 6, 1826.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Mr. Secretary Canning, Copies of a Letter, and its Enclosures, from Vice Admiral Sir Lawrence W. Halsted, respecting the Slave-trade carrying on on the Coast of Cuba.

*Joseph Planta, Jun. Esq.*  
*&c. &c. &c.*

I am, &c.  
 (Signed) JOHN BARROW.

## Second Enclosure in No. 14.

*Vice-Admiral Sir L. W. Halsted to J. W. Croker, Esq.*

SIR,

*"Magnificent," in Port Royal Harbour,*  
*Jamaica, September 29, 1826.*

COMMANDER JACKSON, of His Majesty's Sloop "Pylades," having forwarded to me several Reports relating to the detention of Spanish Vessels engaged in the illicit Traffick in Slaves, on the North Coast of Cuba, and also to the impunity with which that Trade is still carried on there, I send, herewith, Copies of the same, for the information of my Lords Commissioners of the Admiralty.

The Enclosures, numbered from 1 to 8, shew, that the "Pylades and Magpie," Schooner, on the 16th ultimo, chased into the Port of Havannah a very suspicious Schooner, which afterwards proved to be "*La Minerva*," under Spanish Colours, having on board upwards of 200 Negroes, who, notwithstanding immediate information thereof was given to his Excellency Don Dionisio Vives, the Captain General, and to Commodore Laborde, Seventy of them (women) were landed at a publick shipping wharf, in open day-light, on the day she was chased into the said Port; and the remainder the same night, as the enclosed Papers incontestably prove.

In further elucidation of the circumstances of this extraordinary affair, I beg their Lordships' attention to the detailed Affidavit, No. 9, which I have obtained from Mr. (now Lieutenant) Nott, who came to join the "Harlequin," by the "Union," Schooner, which brought me Commander Jackson's Despatches; and I purpose obtaining the Oath of Lieutenant Hast also, to a duplicate of the said Affidavit, on the return of the "Pylades." The Case of this Vessel is, I am informed, before the Spanish Admiralty Court, for decision, and not before that of the Mixed Commission.

By the further Enclosures, numbered from 10 to 14, their Lordships will learn, upon Commander Jackson having received good information, that some of the above-mentioned Negroes, who were landed from the Schooner "*La Minerva*," were concealed on board the Spanish Steam-vessel "*Mexicano*," which plies between Havannah and Matanzas, he, on the 20th August, boarded her when she was out three miles from the Moro; and although her Master most positively denied there were any such Negroes on board, and evinced every desire to resist being searched, 20 new Negroes, for whom he had no Passports, were discovered secreted below.

In this Case I must likewise refer their Lordships to the detailed Affidavit, which I have received from Lieutenant Nott, No. 15, and to a Duplicate of which, on the return of the "Pylades," I shall also obtain the Oath of Lieutenant Hast. The result of this Trial before the Court of Mixed Commission was, that the "*Mexicano*" should be restored, the Spaniards interested having produced the greatest number of Affidavits; though, in this restoration, their

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Lordships will find by the Enclosure No. 14, that W. S. Macleay, Esq. the British Commissioner of Arbitration, has not concurred. With such glaring Cases as these, happening in the Port of Havannah, their Lordships will readily believe, that the Schooner "*La Dichosa*," mentioned in the last Enclosure, No. 16, found no difficulty whatever in landing her slaves at an Out Port, as reported by the late Lieutenant Smith, who is perfectly correct in remarking, that this is not a solitary instance of the Spanish Brig-of-War "*Bellona*," affording countenance to Vessels engaged in the Slave-trade; the Brig alluded to in the Enclosure, No. 3, of my Despatch of the 24th August, 1825, being this same "*Bellona*."

From the circumstances of the Case of the "*Mexicano*," it will be apparent to their Lordships, how easily the Provisions of the Convention for the suppression of the Traffick in Slaves may be evaded, if the people of Cuba can transport their Slaves coastwise, without Passports emanating from the highest local Authorities. A Slave-vessel, in short, need only succeed in landing her cargo on any point of the Coast, and at leisure remove them with impunity to all Parts of the Island.

I have the honour to be, &c.

J. W. Croker, Esq.  
&c. &c. &c.

(Signed) L. W. HALSTED, Vice-Admiral.

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Second Enclosure (1.) in No. 14.

*Captain Jackson to Vice-Admiral Sir L. W. Halsted.*

(Extract.)

*H.M.S. "Pylades," Havannah, Sept. 11, 1826.*

ON the 16th ultimo, in company with the "*Magpie*," we observed a very suspicious looking Vessel, which afterwards proved to be the Spanish Slave-schooner "*Minerva*," standing in for the Land. Letters, numbered from 2 to 8, and Lieut. Smith's Letter, No. 5, will fully explain the circumstances attending this nefarious transaction, wherein it has since come to my knowledge, that part of the Slaves from the said Schooner were landed during day-light even in the Port of Havannah, the others, as Lieut. Smith's above-mentioned Letter will shew, were positively landed during the Night.

On the Morning of the 20th ultimo, I boarded the Steam-vessel "*Mexicano*," out 3 miles from the Moro; my Letters, numbered 10 to 14, and the Statement of Lieut. Hast and Mr. Nott, Mate, No. 13, contain an explanation of the cause of her detention; but in writing the Letter No. 13, I could not possibly foresee, that Oaths would be made, and handed in, as opposite to truth as the North is to the South Pole.

First, the Master of the Vessel swore, that she was within musket-shot of the Moro when boarded; next, that he did not deny having Slaves on board, nor permission to search, and that they were not secreted away.

Count San Fernando (the Owner of the Slaves) swore they had been nine Months in the Island; the Curate, that he had baptized them; and the Overseer of the Estate, that they had been that time on the Property.

The Governor, being applied to by the Commissioners, to know if he had been in the habit of giving Passports, replied, that he had not; though this was a solitary instance of truth on that side of the question, it was, nevertheless, a subterfuge, for he, some Months previously, made a Proclamation, forbidding the conveyance of Slaves from one part of the Island to another, consequently no Passports were applied for.

The Boarding Officer, or myself, was not called on to give Evidence, or we would have had no difficulty in proving, by their own statement, the perjury they had committed. Notwithstanding every thing appears to me as plain as the light at Noon-day, yet, on the 29th of August, the Court decided that I should give up the Vessel, although they acknowledged the correctness of my Statement. They have decidedly acted contrary to Evidence.

Mr. Macleay, Commissioner of Arbitration, will send home his Opinion the first opportunity, which is, that the Vessel should be condemned, because the act of detention was just; but the Spanish Commissioners say, there is no penalty attached to a breach of that Article, thereby shewing a determination to take advantage of every trifle in favour of the Trade though contrary to the true meaning of the Acts for the Abolition of Slavery.

However, I am of opinion, that the landing of the Slaves from the "Dichosa," the "Minerva" Schooner, in the face of all the Authorities in the Harbour of Havannah, the detention of the "Mexicano" Steam-vessel, together with the decision of the Court, will bring the matter to such a crisis, as to cause the adoption of the necessary Measures to ensure the impossibility of a recurrence of the kind.

At this moment, the Trade is so far free that they may carry Slaves from one part of the Island to another, although it could be proved that they had only been landed the day before.

Mr. Nott has given his Evidence before the Court alluded to by the Governor, and can answer any questions you may think necessary for your information.

(Signed) G. V. JACKSON, Comm ader.  
Vice-Admiral Sir L. W. Hulsted.

Second Enclosure (2.) in No. 14.

*Captain Jackson to the British Commissioner of Arbitration at the Havannah.*

SEE First Enclosure in No. 84, Class A.

Second Enclosure (3.) in No. 14.

*Captain Jackson to the Captain-General of Cuba.*

SEE Ninth Enclosure in No. 84, Class A.

Second Enclosure (4.) in No. 14.

*The Captain-General of Cuba to Captain Jackson.*

SEE Fourth Enclosure in No. 84, Class A.

Second Enclosure (5.) in No. 14.

*Lieutenant Smith to Captain Jackson.*

SIR, *His M's. S. "Magpie," Havannah, Aug. 16, 1826.*

IN obedience to your orders I anchored here last Night, and proceeded on Shore, to gain any further particulars relating to the Schooner chased into this Port by His Majesty's Sloop under your command. A rumour was prevalent of her having Slaves on board at that moment.

Agreeably to your directions, I then stationed a Boat to watch her movements during the Night, which duty devolved on Mr. Nott, whom you sent with us, and was executed with much vigilance on his part.

Between the hours of 11 and 12, he observed 6 or 7 Boats leave her, full of Negroes, and, from following them closely, bears witness to their landing at the Shipping Wharf near the Church of San Francisco. Information of the above fact was immediately given to the Commodore's Ship, and conceiving a moment's delay would be of consequence, I communicated with the Captain-General and Commodore Laborde as soon as it was possible, which Communication I have the honour to enclose.

Shortly previous to your anchoring I examined the Schooner, in company with a Spanish Officer, and found her as follows: "La Minerva," Manuel Fernandez, Master, 3 guns and 35 men, said to be 42 days from Porto Rico, in ballast, but in every respect fitted as a Slaver, and, from her appearance alone, must have landed her cargo very recently.

I have, &c.

(Signed) EDW. SMITH, Lieut. and Commander.

*Commander Jackson, "Pylades."*

## Second Enclosure (6.) in No. 14.

*Lieutenant Smith to the Captain-General of Cuba.**His Majesty's Schooner "Magpie," Havannah,  
August 17, 1826, 11.30. P. M.*

SIR,

I BEG to report to your Excellency 6 or 7 Boats full of Negroes are now in the act of landing at the Shipping Wharf from the Schooner chased by His Britannick Majesty's Sloop "Pylades" to this Port.

I have, &amp;c.

(Signed) EDW. SMITH, Lieut. and Commander.

*His Excellency General Vives.*

## Second Enclosure (7.) in No. 14.

*The Captain-General of Cuba to Lieutenant Smith.*

SEE Third Enclosure in No. 84, Class A.

## Second Enclosure (8.) in No. 14.

(Translation.)

*Captain Laborde to Lieutenant Smith.**On board the "Guerrero," in the Port of Havannah,  
August 17, 1826.*

SIR,

BY the Letter, dated at half-past 11 o'Clock last Night, which you delivered to me this Morning, I am informed, that at that hour there were 6 or 7 Boats landing Negroes that have been brought here in a Spanish Merchant Schooner, which was chased into this Port yesterday by the English Sloop-of-War "Pylades," concerning which circumstance the necessary enquiries had already been instituted, in consequence of a Communication from his Excellency the Captain-General of the Island, in which he enclosed to me the Letter he had received from you on the same subject.

I have the honour, &amp;c.

*Lieutenant Smith.*

(Signed) ANGEL LABORDE.

## Second Enclosure (9.) in No. 14.

*Affidavit of Lieutenant Nott.*

*Statement of Circumstances relative to the "Minerva," Spanish Slave Schooner, which came under my immediate notice while serving in His Majesty's Sloop "Pylades," on the Havannah Station.*

ON the 16th of August 1826, about 2. 30. P. M., I was ordered by Captain Jackson to proceed into the Havannah, and examine a suspicious Schooner, under Spanish Colours, chased by His Majesty's Sloop "Pylades" into that Port; and if any opposition should be made to my so doing, to apply to the Spanish Flag-Ship for assistance.

In pursuance of these directions, I proceeded on board the Schooner, then just anchoring, and apparently in charge of a Spanish Naval Officer and guard. On stating my desire to know from whence the Schooner had arrived, and what Cargo she had on board, the Naval Officer commanded that no Person should reply to my questions but himself; and then informed me, through the medium of a man who spoke English, that a British Officer had no right to demand any account of a Spanish Vessel under Spanish Colours in a Spanish Port.

I replied, that from the Vessel's suspicious appearance, and from her having used every exertion, both by sweeps and sails, to escape from a British Man of War, I felt perfectly justified in making such demand, and that if it was

not complied with, I must make application to the Spanish Authorities for the requisite information.

He said the Master had supposed he was chased by a Colombian Cruizer, and further gave me to understand that no more questions should be answered unless enforced by an order from the Governor.

From the anxiety expressed by the Master of the Vessel, that none of her Crew should communicate with the Men of the "Pylades;" from the dilapidated state of her hull, masts, and rigging; and from the hatchways being carefully closed, and covered with loose spars, &c.; my suspicions were not only excited that she had been engaged in the illicit conveyance of Slaves from the Coast of Africa, but that a considerable number were actually on board at the moment of my visiting her. This I stated to the Commanding Officer of "Le Guerrero," the Commodore's Flag Ship, and from him demanded assistance to make the necessary investigation. He referred me to the Commodore himself at the Admiralty-House, where I was informed by the Secretary and Flag Lieutenant, in junction with the Officer I had previously seen on board the Schooner, that the Commodore was dining with the Governor.

To the Flag Lieutenant, who spoke English fluently, I related the circumstances attached to the Vessel chased in by the "Pylades," and also expressed my desire to be furnished with permission to satisfy myself by ocular demonstration, whether she had Negroes on board or not. This was refused by the Secretary and himself, on the former plea, that I had no right to question a Spanish Vessel in a Spanish Port.

From hence I proceeded to the Governor's, and requested to be admitted to his presence. I was informed by an Officer in waiting, that his Excellency was engaged, and also that the Commodore had not dined there. I recapitulated my suspicions relative to the Schooner, to the first Officer, and to two others who had joined him; on which one, apparently of rank, accompanied me to the Wharf; and having clearly ascertained which was the Vessel, and fully possessed himself of all circumstances relative to her, both from me and others, he embarked in a Government Boat, and went on board her, desiring me to meet him at the Governor's Palace on his return; which I did, and was there informed, after a consultation of considerable length, in which, besides the three Officers already mentioned, two other Gentlemen joined, "that the Governor did not feel authorized either to permit me to examine the Vessel, or to furnish me with any particulars respecting her, for the information of the Captain of the "Pylades," until she had been officially reported to him by the Commandant of Marine, at whose Office I must apply."

On returning to the Admiralty Office, I found that the Spanish Boat's Crew, who had accompanied the Governor's Officer to the Schooner, had communicated to my men that she was the "Minerva" from Princes Island, with 250 slaves then on board. To the Secretary I stated this additional circumstance, and again desired to be admitted to the presence of the Commodore, whose absence he did not then mention, but entered an inner Apartment, as I imagined, for the purpose of communicating my desire. After some time had elapsed he rejoined me, and declared that the Commodore was in the Country, and would not probably arrive till very late.

It was now near sun-set, after which time, no Boats are allowed to leave the Harbour, without especial permission; I therefore returned to the "Pylades," informing the Captain of all the particulars here related, also of my opinion, that if a possibility existed of a Vessel entering the Havannah with Negroes, the "Minerva" had a considerable number stowed beneath her hatches at the time of my boarding her; and moreover that I had perceived on my passage out of the Port, that she had removed from her first anchorage, to a Wharf situated near Casa Blanca, the general rendezvous for Vessels engaged in the Slave-trade.

On this Captain Jackson ordered the "Magpie," Lieutenant Smith, to proceed into the Harbour, and anchor as near to the suspected Vessel as possible; providing me with a Boat, that I might have an opportunity of observing the motions of the "Minerva," during the Night.

On anchoring, Lieutenant Smith and myself proceeded on Shore, and there found it publickly reported that the "Minerva" had arrived that day from the Coast of Africa with between 200 and 300 Negroes on board, though her name was enrolled at the Custom-House, as being from Porto Rico, 30 days, in ballast.

For the purpose of watching her, I lay as near to the Vessel as the risk of discovery would admit, being accompanied by 2 Seamen in the "Magpie's" Boat; and between the hours of 11 and 12, perceived a common Passage-boat, provided with an awning, leave the quarter of the "Minerva" which was next the Wharf, and make for the Havannah, followed by two more; I ran alongside the first, and clearly saw, by the aid of the Moon, which was full and unclouded, at least 20 unclothed Negroes stowed in the bottom of her, with their heads shaved.

The Boatman seized on some missile, and discharged it at my head, which, however, it passed, and striking the side of the Boat, fell into the water. Not wishing to encounter a repetition of this, without retort, nor yet to excite alarm, I produced a pistol, and threatened if he did not pull quietly on his course, to silence him with the contents of it.

I examined the second and third Boats, in like manner, and found that they contained a cargo similar to the first; but guarded each by 2 or 3 people in Spanish habits, and these I perceived were followed by 3 or 4 more.

My orders being expressly to observe, and not to attack, I quietly rowed at a small distance, till they finally, to the number of 6 or 7 large Boats, landed upwards of 100 Negroes on one of the most publick Wharfs in the Havannah, at the back of the Church of St. Francisco, and within 20 yards of a Spanish Guard-House, containing Soldiers. It may be proper also to mention, that the Negroes were all handed from the Boats to the deck of an American Vessel exposed for sale, and thence to the Wharf.

Immediately the landing was effected, several of the Boats gave chase to me, and as, from the cursing of the boatmen, I had every reason to suppose their intent was hostile, I returned to the "Magpie," and acquainted Lieutenant Smith with the foregoing circumstances, and by his directions gave immediate intelligence to the Commanding Officer of the Flag Ship, that the "Minerva" was at that time landing Negroes on the Wharf of St. Francisco.

His reply was, "that he had no authority to interfere in the prevention of it, but that the Commodore should be furnished with my report in the "Morning."

The 2 men who accompanied me in the Boat this Night, and declared themselves ready to make Oath to all the particulars in this Statement, are, I regret to observe, involved in the unfortunate fate of the "Magpie."

At day-light I conveyed a written Account of the events of the preceding Night to the Governor, from Lieutenant Smith, and on being admitted to the presence of his Excellency, was told by him, that he would instantly communicate with the Admiralty on the subject, and give me an Answer, which he did, and I subsequently delivered it to Lieutenant Smith, who had in the mean time waited on the Commodore, and, as he stated to me, been supplied by him with an Order to examine the "Minerva," in company with the Harbour Master; and that he had found her in that state which Vessels usually are, who have, after a very long voyage, recently landed Negroes; being excessively dirty, with the holds perfectly clear, except of water casks, and the remains of those provisions which are usually supplied to Negroes, such as rice, oil, &c.; also, that she was armed with one long 9-pounder amid-ships, and an 18-pounder carronade on each broadside. He moreover informed me, that the Commodore had confessed to him that he was at home on the preceding Evening at the time that I had waited on him, but that being fatigued he had denied himself.

On Monday, the 4th of September, I was examined on the honour of a British Officer, before one of the Admiralty Courts, respecting the fact of the "Minerva" having landed Negroes in the Havannah Harbour, and the manner in which it was effected.

On this occasion my evidence was similar in all points to the above relation, at which the Naval Commandant, presiding, expressed some surprize, as he had a letter (which he read) from the Harbour Master, who had examined the Vessel with Lieutenant Smith, stating, that they both concurred in opinion that she had *not been* engaged in the illicit conveyance of Slaves, for that there was no room or accommodation in her for that Traffick, or provision on board, save such as was customary to provide for a Spanish Crew. I replied, "I regretted much the lamented death of Lieutenant Smith prevented his appearing to falsify what I, however, there publicly declared to be totally void of truth.

On a demand being made for the two Seamen who had accompanied me, and were unfortunately drowned; and some demur occurring as to want of more evidence, I pointed out Mr. Wade, Master of the "Mary Brade," Liverpool Merchant-ship, who, with his two Apprentices, had, about sun-set of the Evening of the 16th of August, seen and counted 64 female Negroes, handed from the hold of the "Minerva," and thence to the Wharf alongside which she was moored. This Gentleman's evidence, with that of his two Apprentices, has been, as I subsequently learnt from him, demanded in the same Court, and taken on oath. To all that is here stated I am ready to swear, should I be called upon so to do.

Signed by me in Port Royal Harbour, } (Signed) JOHN N. NOTT,  
September 27, 1826. } Acting Lieutenant.

P.S.—In the conversations mentioned in the foregoing Statement, I either spoke French, when it was understood, or had the assistance of an Interpreter who spoke Spanish and English. (Signed) JOHN N. NOTT.

As far as the Undersigned Deponent has mentioned in the foregoing Statement that he himself was personally concerned, he voluntarily maketh oath to the truth thereof. (Signed) JOHN N. NOTT.

Sworn before me, this 30th day of } (Signed) JOSEPH BARNES,  
September 1826, at Kingston. } Mayor.

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Second Enclosure (10.) in No. 14.

*Captain Jackson to the Mixed Commission at the Havannah.*

SEE First Enclosure in No. 89, Class A.

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Second Enclosure (11.) in No. 14.

*Captain Jackson to the Captain-General of Cuba.*

SIR, *H. M. Sloop "Pylades," Havannah, Aug. 22, 1826*

I HAVE the honour to acquaint your Excellency that, on the 20th instant, I detained the Steam-vessel "*Mexicano*," Don Joze Lopez, Master, in consequence of her having on board 20 Slaves, in direct violation of Article 7 of the Treaty concluded between Their Britannick and Catholick Majesties, on the 23d of September 1817.

The more minute particulars, your Excellency will be furnished with by the British Commissioner. I have, &c.

(Signed) G. V. JACKSON, Commander.  
*His Excellency General Vives.*

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Second Enclosure (12.) in No. 14. (Translation.)

*The Captain-General of Cuba to Captain Jackson.*

*Office of the Captain-General of the ever Faithful Island of Cuba,  
Havannah, August 26, 1826.*

AS the subject of the detention of the Steam-boat "*Mexicano*," from the circumstance of there being on board of her, as you state, 20 Slaves, relates to the Mixed Commission, I have this day written to the Members of the said Commission, and directed them to institute the necessary enquiries into the subject, conformably to the ends of justice; and I mention this in reply to your Letter of this date, in which you are pleased to communicate the occurrence to me.

God preserve you many Years,

(Signed) F. D. VIVES.

*The Commander of the English Frigate "Pylades."*

Second Enclosure (13.) in No. 14.

*Statement of Lieutenant Philip Hast, and Mr. John Nott, Mate of His Majesty's Ship "Pylades."*

ON Sunday the 20th day of August 1826, at 6. 30. A. M., the Ship being then about 4 miles East of the Moro, we, Lieutenant P. Hast, and Mr. Nott, Mate, did, in pursuance of orders, board the Steam-vessel "*Mexicano*," to discover if, in accordance with the information received against her, she was in any manner engaged in the illicit Traffick of Negro Slaves: on stating our intent to the Master of the Vessel, he positively refused to allow search of any description to be made, at the same time declaring, that he had no Negroes on board, but the Servants attached to the Passengers, who were to be seen on deck. He then loudly desired the helm to be put up that he might run back to Havannah. This was prevented, and a Boat dispatched to the Ship for further Instructions. In the mean time we proceeded to the fore part of the deck among the Negro Servants there assembled, and do positively declare that they were not to be identified with, nor did in any manner resemble the Slaves afterwards found in the hold. On ordering the fore-hatches to be lifted, the Crew jumped on them, and refused to be removed unless by violence. On the return of the Boat with additional force, and orders to search, let what would occur, the Master, by the advice of the Passengers, declined further resistance, and delivered up the charge of the Vessel. Lieutenant Hast then proceeded, with a party of hands, into the fore-hold, and though sufficient light was conveyed, both hatches being off, he perceived no person there. Mr. Nott and more hands then descended, and was likewise convinced that no living creature was openly visible, but, on removing some furniture, chairs, tables, &c. 14 Negroes were produced from beneath them, stowed between the bulk-heading that separated the Steam-boilers from the Vessel's side, and 6 more (females) from the fore-peak, secreted by rope, sails, and a hawser being coiled upon them. The Master was then informed, that if he possessed a Licence from the Government of Havannah, authorizing the conveyance of these Negroes, the detention would be withdrawn; but he produced only a Paper permitting the Vessel to run between Havannah and Matanzas for 30 days; on which she was taken in charge by the Officers and Crew of His Majesty's Ship.

From the miserably emaciated and diseased state of the Slaves, their awkward manner of using the new clothes with which they had evidently been just supplied; their total ignorance of European customs, and of any European language; and also from observing that their heads were close shaved, after



the manner of those recently imported, we do not hesitate in declaring our firm belief, that they could not have been landed many days, and the more especially as the Passengers, far from concealing, rather openly spoke of and joked on the subject of their being part of the cargo of the "Minerva" Slave-schooner, chased in by the "Pylades" a few days previous. And moreover, our belief in this is strengthened, by having heard the Master of the British Brig \* "Mary Brade," of Liverpool, say, that he recognised one of the women (remarkable in her appearance), as having been landed from the "Minerva" on her arrival in Havannah.

We have further to observe, that out of fifty-three passengers, six alone (and those general Traders between the two Ports) were not supplied with regular Passports from the Government; and that all the Negroes, with the exception of the 20 secreted in the hold, were either separately furnished with such Document, or included in that of their Masters.

Given under our hands, on board His Majesty's Sloop "Pylades," Havannah, this 24th day of August, 1826.

(Signed) PHILIP HAST, Senior Lieutenant.  
JOHN N. NOTT, Mate.

\* Wm. Spade, Owner. Brade and Moore of Liverpool.

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Second Enclosure (14.) in No. 14.

*Sentence of the Mixed Commission at the Havannah, in the Case of the "Mexicano."*

SEE Eighth Enclosure in No. 89, Class A.

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Second Enclosure (15.) in No. 14.

*Affidavit of Lieutenant Nott.*

*Statement of Occurrences relative to the Detention of the "Mexicano" Steam Packet, off the Havannah, by His Majesty's Sloop "Pylades."*

ON the 20th of August 1826, about 6 A. M., the Ship being then at least 4 miles from the Moro Fort, I was ordered by Captain Jackson to proceed, under the command of Lieutenant Hast, and examine the Steam Packet "Mexicano," apparently on her passage to Matanzas, to discover, by diligent search, whether she was in any manner engaged in the illicit conveyance of slaves from one Port in the Spanish Possessions to another, as most expressly forbid by Article 7, which he pointed out to me, in the Treaty between Their Catholick and Most Christian Majesties The Kings of Spain and Great Britain.

Accordingly, on boarding the "Mexicano," by direction of Lieut. Hast, I demanded of the Master his Licence from the Government of Havannah, to convey the Negroes to Matanzas, which I knew, from positive information, were then on board. He denied having any Negroes, and, consequently, the necessity of a Passport of this description; calling out, at the same time, in junction with the Passengers, to return to the Havannah, and ordering the helm to be altered for that purpose, which I immediately prevented by taking the tiller from the helmsman, and placing a guard over it. Lieut. Hast then stated his orders to search the Vessel, which the Master intimated he should not do, again denying the presence of any Negroes on board, except the Servants of the Passengers, who were all on the deck. Lieut. Hast then dispatched a Boat to the "Pylades" for additional force and instructions; and, in the mean time, we both proceeded among those Blacks assembled on the fore-part of the deck; and I am ready to make Oath, that

they were not to be identified with, nor did in any manner, except form and colour, resemble those Negroes afterwards discovered secreted in the hold.

On ordering the fore-hatches to be lifted, several of the Crew jumped on them, and refused to be moved, unless by force. The generality of the Passengers began now to be vehemently clamorous, desiring the Master, if he had any Negroes on board, to produce them, that the Vessel might be liberated, and permitted to return to the Havannah. But amongst the foremost of those who opposed this, and contributed to disturbance, both at this time and during the succeeding passage, was one Henry Stondon, calling himself Merchant of Havannah, and who eventually proved to be so; another of the Passengers mentioned that the Mate, on perceiving me in one of the Boats, approaching the "Mexicano," to board her, had exclaimed, "There is the Officer who boarded the "Minerva," he is coming to pay us off for that business, I suppose." My conviction now became stronger that Negroes were positively on board, contrary to the existing Laws.

On the arrival of orders from Captain Jackson to search, let what would occur, with a sufficient force to compel compliance, the Master of the "Mexicano" signified his intent to offer no further opposition, and declared that he considered himself, from that moment, no longer in charge of the Vessel. Lieut. Hast and myself then proceeded to the forehold, into which we descended, and became satisfied that no Person was openly visible, though sufficient light was conveyed through the hatchway, both the hatches being off; but on ordering some chairs and other furniture to be removed from between the bulk-heading, which separated the steam-boilers from the Vessel's side, 14 male Negroes were discovered stowed beneath these articles, and exposed to the intense heat produced by the lighted stoves. The general idea which seemed to pervade the minds of these poor wretches was, that their throats would be instantly cut, and they besought us, by the most supplicating signs and gestures, to spare them from the horrid fate they seemed to anticipate. On comprehending, from our assurances, that deliverance, not destruction, was intended, their joy became unbounded, and one, more intelligent than the rest, pointed to the fore-peak, where, after diligent investigation, 6 females were found underneath rope sails and a hawser, the whole of which must have been deliberately coiled upon them, for the purpose of concealment. The greater part of these unfortunate beings, both male and female, were afflicted with severe ophthalmia, and, at the time of discovery, nearly deprived of sight, from the quantity and nature of the discharge, encrusted from want of attention of the eyes and upper part of the face.

I further observed that they were all shaved, similar to the Negroes landed from the "Minerva," and I have no hesitation in affirming, from their total ignorance of any European language or custom; from the newness of their clothes, and the awkward mode in which they used them evidently considering them as a novelty; and from the disinclination they evinced to European provision, as well as their general manner and appearance, that they had been very recently imported from Africa, though, on the subsequent Trial before the Mixed Commission, the Owner, (a Spanish Marquis) and several other people of respectability, swore to their having been above 9 Months on the Island of Cuba, which assertions afterwards became the publick joke of Havannah, and were decidedly considered, in general opinion, as deliberate falsehoods. Indeed, from the conversations of the Passengers, who, far from concealing, rather openly conversed on the subject of their being part of the cargo of the "Minerva," as well as from the circumstance of Mr. Wade, Master of the "Mary Brade," Liverpool Merchant Brig, having recognised one of the women (very remarkable in her appearance,) as being landed from that Schooner, on the Evening of the 16th August, I firmly believe that the 20 Negroes secreted in the hold of the "Mexicano," were part of those landed in Havannah, from the "Minerva" Spanish Schooner, previously chased in by the "Pylades."

After a strict investigation in every part of the "Mexicano," the Master was informed, that if he possessed a Permission from the Government of Ha-

vannah, authorising him to convey Negroes who were slaves, from one Port in the Spanish Possessions to another, his Vessel would be immediately liberated, and on his stating, that he was only provided with one Paper, which proved to be a Licence for himself and Crew to run the Steam-packet "Mexicano," between Havannah and Matanzas, for 30 days, she was taken possession of by His Majesty's Officers, and sail made, in company with the "Pylades," the Engineer having refused, at the instance of the Master, to put the machinery in motion, which resolution was, however, overruled by the Passengers on the following day; and by great exertion the "Pylades" and the "Mexicano" arrived in the Havannah, on Monday Night, the 21st.

On the Passengers leaving the Vessel, 47, out of 53, produced, and had their Passports registered, the remaining 6, being General Traders between the 2 Ports, had not supposed it necessary to provide such Document; but I am ready to swear, that all the Negroes on board, with the exception of the 20 secreted in the hold, were either furnished with separate Passports, or included in that of the Master.

One of the Owners of the "Mexicano," after the liberation of the Vessel, unguardedly confessed to me, in conversation, that the Negroes in question had been embarked from the Church of St. Francisco (the Place where I had previously observed part of the Cargo of the "Minerva" landed) on the Morning of the 20th, for conveyance to Matanzas.

Of all the circumstances here related, except this last, Lieut. Hast must be perfectly aware, and I have no doubt, in conjunction with myself, is ready to make Oath to the truth of,

Signed by me, in Port Royal Harbour, on the 27th day of September 1826.

(Signed) JOHN NEALE NOTT, Acting Lieutenant,

P.S. In the conversations mentioned in the foregoing Statement, I either spoke in French, when it was understood, or had the assistance of an Interpreter, who Spoke Spanish and English.

(Signed) JOHN NEALE NOTT,

As far as the undersigned Deponent has mentioned in the foregoing Statement, that he himself was personally concerned, he voluntarily maketh Oath to the truth thereof.

(Signed) JOHN NEALE NOTT, Acting Lieutenant.

Sworn before me, this 30th day of September 1826, at Kingston.

(Signed) JOS. BARNES, Mayor.

#### Second Enclosure (16.) in No. 14.

*Lieutenant Smith to Captain Jackson.*

*His Majesty's Schooner "Magpie," July 19, 1826,  
Port Mariel, S.E. 5 Miles.*

SIR,

FOR the information of the Commander-in-Chief, I have to report, His Majesty's Schooner under my command, on the 18th instant, cruising off Puerto Cabañas, observed the Spanish Brigantine-of-War "Bellona," with Convoy, making for that Port; amongst whom was a Schooner of so very suspicious appearance I felt it my duty to board.

Our near approach to the entrance of the Harbour would not admit of this until they had anchored. I then communicated with the "Bellona," whose Commander most distinctly asserted her to be from Cadiz to Bahia Honda, and Havannah, in ballast; considering my Orders, in any Case, would not admit of a Vessel of this description to pass *unnoticed*, I persisted in my former determination, with many objections on his part, and found her as follows:—

"*La Dichosa*," Spanish Schooner, of 3 guns and 29 men, Don Ramon

Tores, Master, by Papers; from St. Thomas, in ballast, apparently had landed slaves very lately: my want of evidence to the latter fact would not warrant her detention. I, therefore, proceeded to Bahia Honda, and gained information of the above Schooner having landed 158 slaves, some distance to leeward of that Port.

I must beg to call the attention of the Commander-in-Chief towards the conduct of this Spanish Vessel-of-War, being, I believe, not a solitary instance of her attempt to screen a Vessel engaged in the illicit traffick we are both bound to extirpate.

At Bahia Honda, "La Dichosa," not in any way making a secret of her voyage, the "Bellona" could not have been ignorant of it. Whilst I regret the escape of this Vessel, I must observe, she came by way of Cape Antonio, and put into Bahia Honda for water, after landing her cargo; the "Magpie" cruising between that Port and Mariel. I have, &c.

(Signed) EDWARD SMITH, Lieut. and Commander.  
G. V. Jackson, Esq.

## No. 15.

*The Right Hon. F. Lamb to Mr. Secretary Canning.*

SIR,

Madrid, December 10, 1826.

IN compliance with the Orders conveyed in your Despatch, Slave-trade, of the 3d of October of the present Year, I addressed to the Spanish Minister a Note, of which a Copy is enclosed, complaining of the piratical proceedings on the Coast of Africa of Vessels under the Spanish Flag.

You will perceive, by the Answer of M. Salmon to this Communication, which is likewise enclosed, that Orders have been transmitted to the Spanish Authorities in the West Indies to seize the "*Carolina*" wherever this Vessel shall make her appearance. I have, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) F. LAMB.

## First Enclosure in No. 15.

*The Right Hon. F. Lamb to the Chevalier Salmon.*

Madrid, November 9, 1826.

THE Undersigned, &c., has the honour to transmit to his Excellency M. Salmon, His Catholick Majesty's Principal Secretary of State, Translations of Papers, containing an account of one of those Cases, of which there have recently occurred many instances, in which the Flag of His Catholick Majesty has been abused for the purpose of committing acts of Piracy.

It appears that it is the custom of the Owners of these Spanish piratical Vessels, the greater part of which there is reason to suppose are equipped at the Havannah, to send them out fitted both for Trade and for War; but their trade is the proscribed Trade in Human Beings, and the war they wage is a War of Piracy.

It is their practice to hover on the Coast of Africa, where, if they can conveniently barter for, and embark a Cargo of Slaves, they proceed with that Cargo, generally, direct to the Island of Cuba; if they do not succeed at once in this barter, or if an opportunity for piracy previously presents itself, they seize the first Vessel they meet with, preferring one that may be laden with Slaves, and, taking possession of the Vessel, they murder or put on shore the white men found on board, and proceed with the Vessel and Cargo to Cuba, where they land the Slaves surreptitiously at the back of the Island, and then enter in ballast at the Havannah.

An instance has recently occurred in which an English Prize Crew has disappeared, murdered, as it is supposed, by these Pirates. The name of the Pirate Vessel is supposed to have been the "*Gabilar*" or "*Pelican*," and the Captain and Crew have as yet escaped the conviction and punishment due to their crimes.

Another instance, which forms the particular object of this Note, has more recently occurred in the Case of a Vessel, said to be named the "*Carolina*," whose Captain and Crew, meeting the "*Netuno*," a Slave-ship, under charge of an Officer of His Majesty's Ship "*Esk*," endeavoured to obtain the Ship's Papers, and force that Officer to repair on board the "*Carolina*." They were, as the accompanying Papers will shew to your Excellency, happily defeated in their object; but His Majesty's Government have, in consequence of their attempted outrage, deemed it incumbent on them to issue Orders to the Officer commanding His Majesty's Ships and Vessels on the Coast of Africa, to seize the "*Carolina*" and her Crew, if she shall be found on his Station, and to send them to England for trial, together with Mr. Crawford, and the party with him, in the "*Netuno*," to give evidence.

The British Admiral commanding in the West Indies has also been directed to give similar Instructions to his Cruizers, to be executed in case the "*Carolina*" should be found on his Station.

His Majesty doubts not but that His Catholick Majesty will enter fully into the feelings which have prompted these proceedings for summary redress on the pirates in question, and will give directions, both in the Mother Country and at Cuba, to seize the "*Carolina*" whenever they may meet with her, and to deliver up her Crew to be tried for piracy.

The Undersigned avails himself, &c.

*His Excellency the Chevalier Salmon,*  
&c. &c. &c.

(Signed) F. LAMB.

Second Enclosure in No. 15.

(Translation.)

*The Chevalier Salmon to the Right Hon. F. Lamb.*

SIR,

*Palace, Madrid, December 5, 1826.*

I HAVE received the Note which your Excellency did me the honour to address to me, dated the 9th ult., complaining, in the name of your Government, of some acts of Piracy, supposed to have been committed on the Coast of Africa by Spanish Vessels from the Island of Cuba; and your Excellency has accompanied that Communication by various Documents, received from London, in support of the suspicions entertained by the British Government, as to the nature of those acts.

After perusing these Documents, and the Note of your Excellency, I have laid before The King, my Master, all the particulars of the suspicious conduct observed by the Spanish Ship "*Gabilar*" or "*Pelican*," and particularly of the more evidently culpable, the Brig "*Carolina*," of the Havannah, which forms the principal object of your Excellency's Note.

His Majesty, convinced by the evidence of these facts, against which the Government of His Britannick Majesty so justly complains, and being himself equally sensible how injurious such Pirates must be, not only to commerce in general, but to the good harmony which happily exists between the Subjects of both Nations, and acceding in consequence to the just wishes of The King of Great Britain, has not hesitated a moment in directing that the necessary Orders should be sent through the Department of Marine to the Commanders of His Ships-of-War, both in Spain and in the Island of Cuba, to seize the Brig "*Carolina*" at whatever Place or Time she may be found, and to deliver up the Captain and Crew to the competent Tribunals, to be tried as Pirates, according to Law, and punished if convicted.

I have, therefore, the honour to communicate to your Excellency, by Order

## SPAIN.

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of The King, my Master, this His Sovereign determination; and moreover to acquaint you, that I this day forward to the Minister of Marine the necessary Instructions for this purpose, transmitting to him the Documents which your Excellency has sent to me, in which are contained the particulars of the Case, and the exact description and marks of the Brig "Carolina."

I avail myself, &c.

(Signed) MANUEL GONZALES SALMON.

*The Right Hon. Frederick Lamb,*  
&c. &c. &c.

## No. 16.

*Mr. Secretary Canning to the Right Hon. F. Lamb.*

SIR,

*Foreign Office, December 30, 1826.*

YOUR several Despatches of this Series, to the 10th instant, inclusive, have been received.

I wish it had been in your power to report that you had concluded the Additional Article, for which a Full Power was sent to you, together with my Despatch of the 11th of September last; and that the urgent and repeated Representations of His Majesty's Government to the Government of His Catholick Majesty, upon the subject of the flagrant violations of the Treaty upon Slave-trade, which occur openly and almost daily in Cuba, had at length awakened the serious attention of the Catholick King, sufficiently to induce him to dispatch to that Island Instructions which shall enforce the execution of the Compacts upon this subject existing between Great Britain and Spain.

I am, &c.

*The Right Hon. F. Lamb,*  
&c. &c. &c.

(Signed) GEORGE CANNING.

## PORTUGAL.

No. 17.

*Sir William à Court to Mr. Secretary Canning—(Received March 9.)*

SIR,

*Lisbon, February 26, 1826.*

I LOST no time in communicating your Despatch, marked Slave-trade, of the 20th ultimo, with its Enclosure, to the Count de Porto Santo, requesting that Orders might immediately be sent to the Governor of the Cape de Verd Islands, to put an end to the practices therein complained of.

I have the honour to enclose a Translation of his Answer. You will observe, Sir, that the Count maintains, that the carrying Slaves to the Cape de Verd Islands, (provided they be brought from the Portuguese Possessions to the South of the Line), is in no ways contrary to the Stipulations of our Treaties.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) **WILLIAM à COURT.**  
*&c. &c. &c.*

Enclosure in No. 17.

(Translation.)

*The Count de Porto Santo to Sir W. à Court.*

*Palace of Bemposta, February 23, 1826.*

THE Undersigned has had the honour to receive from Sir William à Court, a Note, dated the 16th instant, in which his Excellency requires, in conformity with the Instructions of his Government, that Orders should be immediately transmitted to the Portuguese Authorities at the Cape de Verd Islands, to put that check to the Trade in Slaves carried on there to which Portugal is bound by Treaty; and his Excellency adds to this Note a Despatch from Mr. Canning of January 20th of this Year, and an Extract of a Letter from Mr. Macleay of the 25th November last.

The Undersigned has duly laid his Excellency's Note before His Majesty The Emperor and King, and is authorized to reply, that His Majesty prides himself upon a faithful observance of the Treaties he has entered into with other Powers, and that He will not hesitate, not only to issue Orders that they shall be faithfully executed, but also to proceed against those Individuals who may violate them.

The Undersigned is, however, commanded to observe to his Excellency, that, in conformity with the 1st Article of the Convention, signed in London, on the 28th of July 1817, the Traffick in Slaves is declared illegal in the 4 following cases only:—1st, by British Ships and under the British Flag, or for the account of British Subjects, by any Vessel or under any Flag whatever; 2dly, by Portuguese Vessels in any of the Harbours or Roads of the Coast of Africa, which are prohibited by the 1st Article of the Treaty of 22d January 1815; 3dly, under the Portuguese or British Flag, for the account of the Subjects of any other Government; 4thly, by Portuguese Vessels bound *for any Port not in the Dominions of His Most Faithful Majesty.*

All Commerce, therefore, not specified in these 4 Articles is lawful, and if the Slaves carried to the Cape de Verd Islands, are bought in the Harbours and Roads of the Coast of Africa, laid down in Article 2d of the Convention for the account of Portuguese Subjects, and are conveyed in Portuguese Vessels, this Trade can never be declared illegal, nor has the British Government any right, under existing Treaties, to demand its repression.

The Correspondence with the principal Houses at The Havannah, mentioned in the Extract of the Letter from Mr. Macleay, would seem to prove, that an illicit Traffick in Slaves is carried on between that Port and the Cape de Verds; but this simple assertion is far from meriting belief, the rather as the Individual in the same Letter, speaks of Slaves being landed on the North Coast of St. Jago, and taken into the interior:—this is surely not the most convenient way of conveying them to the Havannah. If, however, contrary to His Majesty's expectation, and the Reports made to Government, it can be shewn that the Cape de Verd Islands have been engaged with the Havannah in such Commerce, His Majesty will not hesitate to order proceedings to be immediately commenced against those guilty of this practice.

The Undersigned, &c.

*Sir William à Court,* (Signed) CONDE DE PORTO SANTO.  
&c. &c. &c.

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No. 18.

*Sir William à Court to Mr. Secretary Canning.—(Received June 9.)*

SIR,

*Lisbon, May 17, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 6th May, enclosing a Copy of the Papers relative to that Trade, presented to both Houses of Parliament in the course of the present Session.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) WILLIAM à COURT.  
&c. &c. &c.

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No. 19.

*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, July 12, 1826.*

I SEND to your Excellency, for your information, the accompanying Copies of a Correspondence, which has recently taken place between the Marquis de Palmella and myself, on the subject of Portuguese Slave-trade.

Your Excellency will embrace any opportunity which may present itself for furthering the views and principles laid down upon this Subject in my Note to M. de Palmella of the 30th of June ultimo.

I am, &c.

(Signed) GEORGE CANNING.

*His Excellency Sir William à Court, G. C. B,*  
&c. &c. &c.

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First Enclosure in No. 19.

*The Marquis de Palmella to Mr. Secretary Canning.*

*Londres, ce 17 Juin, 1826.*

LE Soussigné s'est abstenu, pendant l'époque où les occupations Parlementaires de Monsieur Canning absorboient nécessairement une partie de son attention, d'adresser à Son Excellence des Communications qui ne seroient pas d'une nature urgente. Il juge à cette heure de son devoir de représenter à Son Excellence, conformément aux Ordres qu'il a reçus de sa Cour depuis plusieurs mois, combien la conduite des Croiseurs Britanniques, chargés de



veiller à la répression du trafic illicite des Nègres, se trouve souvent peu d'accord avec l'esprit et la lettre des Traités.

Le Gouverneur de l'Ile de St. Thomas dans une Dépêche par lui adressée au Ministre de la Marine, en date du 22 Juin de l'année passée, se plaint de ce que les susdits Croiseurs s'opposent à ce que des Bâtimens Portugais amènent dans cette Ile, ainsi que dans l'Ile du Prince, des Esclaves achetés sur les parages de la Côte d'Afrique, où la Traite n'a pas encore été déclarée illicite par le Gouvernement Portugais.

Or les Engagemens qui existent à cet égard entre les deux Couronnes spécifient clairement les *quatre cas* où la Traite des Nègres, faite dans les Bâtimens de l'une des deux Nations, doit être regardée comme illicite (Art. 1<sup>er</sup>. de la Convention du 28 Juillet 1817) et les Instructions rédigées pour les Croiseurs, et qui forment partie intégrante de la susdite Convention, expliquent avec le plus grand détail et netteté les différents cas où il leur est ordonné ou défendu de détenir les Bâtimens Nègriers.

L'Article 5<sup>me</sup>. des Instructions sus mentionnées déclare positivement que l'on ne pourra saisir, *même au nord de l'Equateur*, les Bâtimens Portugais, ayant des Nègres à bord, dans le cas, où ils prouveraient par leurs Passeports qu'ils se dirigent à quelqu'un des Ports appartenans à la Couronne de Portugal situés hors du Continent de l'Afrique. Il résulte donc des Stipulations citées que l'on ne peut regarder comme illicite, l'introduction d'Esclaves *sur des Bâtimens Portugais, pourvu qu'ils soient amenés des parages de la Côte d'Afrique situés au Sud de l'Equateur*, et il devient nécessaire afin d'éviter tout mal entendu, que le Gouvernement de Sa Majesté Britannique expédie à cet égard des Ordres précis à ses Croiseurs, et leur défende de mettre obstacle à l'introduction licite des Esclaves dans les Iles de St. Thomas, du Prince et du Cap Vert.

Sir William à Court a adressé, il y a quelque temps, à Monsieur le Comte de Porto Santo, une Note, avec des Extraits de plusieurs Dépêches du Commodore Bullen. Cet Officier se plaint des facilités que l'on accorde, dans les Iles Portugaises de la Côte d'Afrique, aux Bâtimens Etrangers qui font la Traite illicite des Nègres; Sa Majesté Très Fidèle s'est empressée d'envoyer au Gouverneur de ces Iles les ordres nécessaires pour adhérer scrupuleusement à l'exécution des Traités; mais le Soussigné doit faire observer à Son Excellence Monsieur Canning, que les Engagemens qui existent entre leurs Majestés Très Fidèle et Britannique au sujet de la Traite des Nègres, n'autorisent ni ne justifient en aucune manière les Gouverneurs Portugais à refuser les subsistances et les secours d'usage aux Vaisseaux de toute Nation qui abordent dans les Etablissements Portugais; et le Gouverneur de l'Ile de St. Thomas n'a pas plus le droit de refuser l'admission, par exemple à un Bâtiment Français faisant la Traite des Nègres, que les Croiseurs Britanniques n'ont le droit de saisir ce Bâtiment en pleine mer, comme le Commodore Bullen se reconnoît lui même dans l'impossibilité de le faire.

En définitive: tout ce qu'il convient aux deux Gouvernemens d'ordonner à leurs délégués respectifs, tant que les Stipulations actuellement en vigueur continueront à subsister, c'est d'observer à la lettre la Convention de 1817, et de ne pas s'opposer, soit pas l'avidité du gain, soit par un excès de zèle à enfreindre ou à outrepasser cette Convention.

Le Soussigné remplit l'ordre qu'il a reçu de présenter ces observations au Ministère de Sa Majesté Britannique. Il espère que Son Excellence Monsieur Canning reconnaitra qu'elles sont fondées en justice, et que les ordres les plus positifs seront expédiés aux Commandans des Croiseurs Britanniques, pour l'observation littérale des Instructions qui font partie de la Convention de 1817; et pour que le Pavillon Portugais soit traité par les Croiseurs avec le même égard qu'ils témoignent au Pavillon Français, dans tous les cas où la Convention de 1817, n'autorise pas la détention des Bâtimens Nègriers.

Le Soussigné profite aussi de cette occasion, &c.

(Signé)

LE MARQUIS DE PALMELLA.

S. E. Mons<sup>r</sup> Canning,  
&c. &c. &c.

(Translation.)

London, June 17, 1826.

THE Undersigned, during the period when Parliamentary business necessarily engrossed a portion of Mr. Canning's attention, abstained from addressing to his Excellency Communications which were not of an urgent nature. Now, however, he deems it his duty to represent to his Excellency, in conformity with the Orders which, some time ago, he received from his Court, how entirely the conduct of the British Cruizers, employed in effecting the suppression of the illicit Slave-trade, is often at variance with the spirit and letter of the Treaties.

The Governor of the Island of Saint Thomas, in a Despatch addressed by him to the Minister of Marine, under date of the 22d June of last Year, complains, that the said Cruizers prevent Portuguese Ships from conveying to that Island, as well as to Princes Island, Slaves purchased in the Districts of the Coast of Africa, where the Slave-trade has not as yet been declared illegal by the Portuguese Government.

The Engagements which exist in this respect between the two Crowns, clearly specify the four cases in which the Slave-trade, carried on in the Ships of one of the two Nations, is to be considered as illicit, (Article 1st of the Convention of the 28th of July 1817,) and the Instructions prepared for the Cruizers, and which form an integral part of the above-named Convention, explain, with the greatest detail and exactness, the different cases in which they are commanded or forbidden to detain Slave-ships.

The 5th Article of the above named Instructions positively declares, that *even to the North of the Equator*, Portuguese Ships, having Negroes on board, must not be seized, in the event of their proving, by their Passports, that they are bound to any of the Ports belonging to the Crown of Portugal, situated without the Continent of Africa. It results therefore, from the Stipulations cited, that the introduction of Slaves cannot be regarded as illicit, *when on board Portuguese Ships, provided they be brought from Places of the Coast of Africa, situated to the South of the Equator*, and it becomes necessary, in order to avoid all misunderstanding, that the Government of His Britannick Majesty, should issue precise Orders to its Cruizers on that subject; and prohibit them from opposing obstacles to the licit introduction of Slaves to the Islands of Princes, Saint Thomas, and Cape Verd.

Sir William à Court some time since addressed a Note to the Count de Porto Santo, enclosing Extracts from several Despatches of Commodore Bullen. That Officer complains of the facilities which are afforded in the Portuguese Islands of the Coast of Africa, to the Foreign Ships which carry on the illicit Slave-trade. His Most Faithful Majesty lost no time in sending the necessary Orders to the Governor of these Islands, which enjoined them to adhere strictly to the execution of the Treaties; but the Undersigned must observe to his Excellency Mr. Canning, that the Engagements which subsist between His Most Faithful Majesty and His Britannick Majesty, on the subject of the Slave-trade, neither authorize nor justify, in any manner, the Portuguese Governors in refusing subsistence, and the usual succours, to Vessels of any Nation which touch at the Portuguese Establishments; and the Governor of the Island of St. Thomas has no more right to refuse admission, for instance to a French Ship carrying on the Slave-trade, than the British Cruizers have to seize such a Ship on the high Sea, which Commodore Bullen himself acknowledges his inability to do.

In fine, all that is in the power of the two Governments, so long as the Stipulations actually in force shall continue to subsist, is to order their respective Delegates literally to observe the Convention of 1817, and not, from motives of cupidity or excess of zeal, to infringe or exceed that Convention.

The Undersigned fulfils the order which he has received, to present these Observations to the Minister of His Britannick Majesty. He hopes that his Excellency Mr. Canning will acknowledge that they are founded on justice, and that the most positive Orders will be sent to the Commanders of British

Cruizers, to ensure the literal observance of the Instructions which make part of the Convention of 1817, and to cause the Portuguese Flag to be treated by the Cruizers with the same attention which is shewn to the French Flag, in all cases in which the Treaty of 1817, does not authorise the detention of the Slave-ships.

The Undersigned avails himself, &c.

(Signed)

THE MARQUIS DE PALMELLA.

*His Excellency Mr. Canning,*

*&c. &c. &c.*

Second Enclosure in No. 19.

*Mr. Secretary Canning to the Marquis de Palmella.*

*Foreign Office, June 30, 1826.*

THE Undersigned, &c. in answer to the Note which he has had the honour to receive from the Marquis de Palmella, His Most Faithful Majesty's Ambassador at this Court, respecting importations of Slaves at Princes and St. Thomas Islands, to the Northward of the Line, on the Western Coast of Africa, has the honour to state to his Excellency, that the connivance of the Local Governments of St. Thomas and Princes Islands, in the prosecution of illicit Slave-trade, has long been notorious, and has, in various instances, been brought to the direct notice of the Government of Portugal.

The Undersigned is glad to hear from the Marquis de Palmella, that some Instructions have at length been sent, ordering the Governors scrupulously to adhere to the execution of the Treaties subsisting between Great Britain and Portugal on this subject; but until some specifick Regulations are adopted, to prevent the connivance so often detailed and complained of, the Undersigned is compelled to confess, that the experience of the past appears to His Majesty's Government to preclude any hope, that these general Orders will prove effectual.

It appears by the Note from the Marquis de Palmella, that the Governor of Saint Thomas complains of the opposition of British Cruizers to the importation, into that Island, of Slaves purchased on those Coasts, where the Trade has not yet been declared illegal by the Portuguese Government. Certainly, although, there is too much reason to believe, that very importation to be intended in many cases, for a subsequent evasion of the Treaties, still it is not for the British Cruizers to oppose that which the Treaty permits, even in its letter; and His Majesty's Government will be ready upon the proof of the alleged fact, to prevent the future infraction of its Orders in this respect.

It must be remarked, however, that the Marquis de Palmella, in his review of the Treaty, has stated, "que l'on ne peut regarder comme illicite l'introduction d'Esclaves sur des Bâtimens Portugais pourvu qu'ils soient amenés des parages de la Côte d'Afrique situés *au sud de l'Equateur*"; thus claiming the *whole Coast* South of the Equator, as lawfully liable to the miseries of this Trade; whereas the 2d Article of the Convention of 1817, expressly limits the Trade on the Eastern Coast of Africa, to the Territory between Cape Delgado, and the Bay of Lorenzo Marquez; and on the West to the Territories of Molembo and Cabinda, from 5. 12. to 8. deg. South, and to those Territories possessed by Portugal, reaching from the 8th deg. to the 18th deg. of the same. Further it is to be observed, in reference to his Excellency's observation, that the Portuguese Governor of the Islands in question, cannot refuse admission, and the usual supplies to Slave-ships; that in cases of Vessels coming under the Treaty of 1817, the proper Passport forbids that they should enter any other Ports on the Coast of Africa, than those where the Slave-trade is permitted by that Convention. Now, neither St. Thomas nor Princes fall within the designation of the 2d Article; as Places where the African Slave-trade is permitted.

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The Undersigned cannot conclude this Letter, without referring to the expressions made use of by the Marquis de Palmella, himself, to Sir Edward Thornton, in the early part of 1824, in which his Excellency, when Secretary of State in Portugal, expressed a disposition, on the part of his Sovereign, to consent at once to a *total* abolition of the Slave-trade, in the continuance of which Trade, his Excellency added, Portugal could have no interest, in case of the Independence of the Brazils; and the cessation of which might enable her to turn her Colonies to some other more legitimate and profitable account.

The Independence of the Brazils having been now acknowledged by Portugal, it would afford to His Majesty's Government the most lively satisfaction to learn, that the Marquis de Palmella is now instructed by his Court to give effect to the just and humane intentions expressed by his Excellency, at a time when his Excellency was understood to convey to Sir Edward Thornton, the deliberate feeling of the Portuguese Government upon the general Question of Slave-trade.

The Undersigned avails himself, &c.

(Signed)

GEORGE CANNING.

*His Excellency the Marquis de Palmella,*  
&c. &c. &c.

Third Enclosure in No. 19.

*The Marquis de Palmella to Mr. Secretary Canning.*

*Londres, ce 5 Juillet, 1826.*

LE Soussigné ne manquera pas de faire parvenir à la connaissance du Gouvernement de Portugal la Note Officielle que son Excellence M. Canning, lui a fait l'honneur de lui adresser, en date du 30 Juin dernier, au sujet des plaintes proférées par le Gouverneur des Iles de St. Thomas et du Prince, contre les Croiseurs Britanniques, qui s'opposent à l'introduction des Esclaves dans les susdites Iles, et il espère que les Ordres que le Gouvernement de Sa Majesté Britannique se dispose à envoyer à ses Croiseurs feront cesser, de part et d'autre, toutes les plaintes moyennant l'observance littérale des Traités existans.

Le Soussigné ne saurait cependant clore entièrement ce sujet, sans présenter deux ou trois observations sur le contenu de la dernière Note de son Excellence.

1. Il reconnaît explicitement que par la teneur des Traités, il n'est pas permis aux Sujets Portugais d'acheter des Esclaves sur toute la Côte d'Afrique au Sud de l'Equateur, mais seulement sur les parages des dites Côtes appartenans à la Couronne de Portugal, ou sur lesquels Sa Majesté Très Fidèle a réservé ses droits, comme l'énonce expressement la Convention de 1817; et si le Soussigné, dans sa première Note a énoncé généralement les Côtes au Sud de l'Equateur, il ne l'a fait que pour abrégier la phrase, et en se référant à la clause des Traités.

2. Son Excellence paraît ne pas avoir saisi le sens dans lequel le Soussigné avait observé, que le Gouverneur des Iles de St. Thomas et du Prince ne pouvait refuser l'admission et les secours d'usage aux Vaisseaux Négriers qui se présentaient dans ses Ports. Le Soussigné n'a voulu parler dans ce cas là que des Bâtimens Espagnols, Français, ou de toute autre Nation avec lesquelles le Portugal n'a point de Traité Spécial qui l'autorise à saisir ou à détenir les Bâtimens engagés dans la Traite des Nègres. Cette espèce de Police ne peut s'exercer légalement, par les Autorités Portugaises que sur des Bâtimens Britanniques ou Portugais qui violeraient le Traité de 1815, ou la Convention de 1817. Quant à ce que M. Canning ajoute sur ce que les Iles de St. Thomas et du Prince ne sont pas comprises dans la désignation du Second

Article de la Convention de 1817, parmi les Territoires où le Trafic des Esclaves est encore licite, le Soussigné priera son Excellence de remarquer, qu'il n'est question dans l'Article Second, que de fixer les Territoires du Continent de l'Afrique où il continuerait à être permis d'aller acheter des Esclaves; tandis que les Iles appartenantes à la Couronne de Portugal, ainsi que les Provinces du Brésil, soit au Nord, soit au Sud de l'Equateur, demeurent, d'après la teneur des susdits Traités, ouvertes à l'Importation des Esclaves, pourvu qu'ils soient amenés des parages de la Côte d'Afrique énoncés dans ces mêmes Traités.

3. Le Soussigné doit prier son Excellence M. Canning, de ne pas donner plus d'importance qu'elle ne mérite à l'expression que peut lui être échappée, de son opinion particulière dans une conversation avec Sir Edward Thornton, et à laquelle ce Ministre aura peut-être, en la répétant, donné un caractère plus positif qu'elle n'avait eue dans la réalité: les circonstances ont tellement changés depuis l'époque où cette conversation a eu lieu, que son Excellence reconnaitra, sans doute, combien il serait actuellement peu convenable que les intérêts du Brésil fussent mis de côté par le Gouvernement du Portugal, lorsqu'il s'agiroit de discuter la Question de la Traite des Nègres.

Le Soussigné profite de cette occasion, &c.

(Signed) LE MARQUIS DE PALMELLA.

*Son Excellence Monsieur Canning,*  
 &c.      &c.      &c.

(Translation.)

*London, July 5, 1826.*

THE Undersigned will not fail to bring to the knowledge of the Government of Portugal the Official Note which his Excellency Mr. Canning did him the honour to address to him, under date of the 30th of June last, on the subject of the complaints made by the Governor of the Islands of St. Thomas and Princes against the British Cruizers, who oppose the Importation of Slaves into the said Islands; and he hopes that the Government of His Britannick Majesty has made Arrangements to send such Orders to its Cruizers as will cause complaints to cease on both sides, by means of a literal observance of the existing Treaties.

The Undersigned, however, cannot entirely conclude this subject without offering two or three observations on the contents of his Excellency's last Note.

1. He explicitly acknowledges that, according to the tenour of the Treaties, Portuguese Subjects are not permitted to buy Slaves on all the Coast of Africa to the South of the Equator, but only in the Districts of the said Coasts belonging to the Crown of Portugal, or in which His Most Faithful Majesty has reserved his Rights, as is expressly set forth in the Convention of 1817; and if the Undersigned, in his first Note, mentioned in general the Coasts to the South of the Equator, he only did so to abridge the phrase, and in reference to the Clause of the Treaties.

2. His Excellency does not appear to have taken the meaning in which the Undersigned observed, that the Governor of the Islands of St. Thomas and Princes could not refuse admission, and the ordinary succours, to Negro-vessels which presented themselves in these Ports. The Undersigned, in these cases, only had in view Spanish and French Ships, or Vessels of any other Nation, with which Portugal has no Special Treaty which authorises her to seize or detain the Ships engaged in the Slave-trade; that kind of Police cannot be legally exercised by the Portuguese Authorities, except over British or Portuguese Ships which might violate the Treaty of 1815, or of the Convention of 1817. As to what Mr. Canning adds, about the Islands of St. Thomas and Princes not being included in the designation of the 2d Article of the Convention of 1817, in the Territories where the Slave trade is still allowed, the Undersigned requests his Excellency to remark, that the question in the 2d Article is only to fix the Territories of the Continent of Africa wherein it will be permitted to go and purchase Slaves; whilst the Islands belonging,

to the Crown of Portugal, as well as the Provinces of Brazil, whether to the North or to the South of the Equator, according to the tenour of the said Treaties, remain open for the Importation of Slaves, provided they be brought from the Districts of the Coast of Africa set forth in the said Treaties.

3. The Undersigned must request his Excellency Mr. Canning not to give more importance than it deserves to any expression of his private opinion, which might have escaped him in a conversation with Sir Edward Thornton, and to which that Minister, in repeating it, may have given a more positive character than it had in reality. Circumstances have so much changed since the period when that conversation took place, that his Excellency will doubtless acknowledge how little suitable it would be at present that the interests of Brazil should be set aside by the Government of Portugal, when the Slave-trade comes under discussion.

The Undersigned avails himself, &c.

(Signed) LE MARQUIS DE PALMELLA.

*The Right Hon. George Canning,*  
&c. &c. &c.

No. 20.

*Sir William à Court to Mr. Secretary Canning.—(Received August 7.)*

SIR,

*Lisbon, July 27, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 12th instant.

According to your Instructions, I shall embrace every opportunity which may present itself for furthering the views and principles laid down in your Note to the Marquis de Palmella of the 30th of June last.

I have the honour to be, &c.

(Signed) WILLIAM à COURT.

*The Right Hon. George Canning,*  
&c. &c. &c.

No. 21.

*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, September 9, 1826.*

I ENCLOSE, for your Excellency's information, a Memorandum of the state of the Question relating to the final Abolition of the Slave-trade by Portugal, as it stands after the separation of that Kingdom from Brazil.

There cannot be a doubt, that, from the moment at which Brazil ceased to be a Colony of Portugal, the single condition on which a respite was claimed by Portugal, and conceded to her at the Congress of Vienna, was done away.

We have already said, distinctly, that we never will sign a Treaty with Portugal that does not contain an Article for the final and total Abolition of the Portuguese Slave-trade; but, as the Negotiation of the Treaty is necessarily suspended for the present, it would be very desirable to obtain, from the new Minister for Foreign Affairs, a written pledge of the future concurrence of his Government in such an Article.

The account which your Excellency gives of the principles and opinions of Don Francisco Almeida promises a willing assent, on his part, to the Note which I have to desire that your Excellency will forthwith present to him, asking such a Pledge on the part of the Portuguese Government.

I am, &c.

(Signed) GEORGE CANNING.

*His Excellency Sir William à Court, G. C. B.*  
&c. &c. &c.

Enclosure in No. 21.

*Memorandum.*

BY the 10th Article of the Treaty of Alliance of 1810, between Great Britain and Portugal, Portugal declared that the supply of "a factitious population for her South American Dominions" was the only obstacle to the immediate total Abolition of the Slave-trade; and The Sovereign of Portugal, lamenting the present necessity for that supply, still engaged to bring about gradually a total Abolition of the Trade.

In the Conference at the Congress of Vienna, of the 20th of January 1815, which produced the Declaration of the 8th of February 1815, Portugal again declared that she would abolish the Trade, but put forward the necessity of supplying "the Brazils" with Negroes, as the obstacle in the way of the *immediate* abolition.

By the Treaty of 1815 with Portugal, Articles 1 and 2, the Contracting Parties, referring to these Engagements, reserved to Themselves to determine the period at which the Trade in Slaves should universally be prohibited throughout the *entire Dominions* of Portugal; restricted in the mean time the *Spot* where it should be allowed to continue to the *actual and claimed Dominions* of Portugal to the *South* of the *Line*; and confined the object of that permitted Trade, by an obligation not to engage in the same, or to permit their Flag to be used, except for the purpose of supplying the *Trans-Atlantick* Possessions belonging to the Crown of Portugal.

By the Treaty of 1817, the Contracting Parties "adhere to the principles" of the Declaration of 1815, and engage to "*fulfil, to their utmost extent,*" the Engagements of the Treaty of 1815.

The Islands of the Cape de Verds are situated between the 15th and 17th degrees of North Latitude, and about 100 leagues from the Coast of Western Africa.

The Islands of Saint Thomas and Princes are situated between the 1st and 3d degrees of North Latitude, within about 30 leagues of the Coast of Western Africa.

The latter Islands are favourably situated for illegal Trade; there have been many complaints of the encouragement there given to it, and we have repeatedly remonstrated with Portugal thereupon.

Reports having reached this Country that the Authorities and Inhabitants of the Cape de Verds were also addicted to the Slave-trade; a Consul was sent thither in 1824, to report upon it. What Mr. Clarke has written tends to confirm the report.

In the latter end of 1825, Mr. Macleay, our Commissioner at the Havannah, having, in his way thither, touched at Saint Jago, in the Cape de Verds, also reported, that he found the Inhabitants of that Island wholly devoted to the Slave-trade, from the Governor down to the Free Black Settlers.

A Copy of this Statement was sent to Sir W. A. Court (January 20, 1826), who was desired to urge the Portuguese Government to check this Trade.

The Portuguese Government, in reply, (February 26, 1826), argued, that it was still lawful, according to Treaty, to Trade in Slaves for the supply of the Cape de Verds.

Soon afterwards (June 17, 1826), the Marquis de Palmella complained that the British Cruizers had obstructed the importation of Slaves into the Islands of *Princes* and *Saint Thomas*, and claimed for Portugal the right to trade *any where*, excepting on the Continent, to the North of the Line.

An Answer was returned (June 30), in which his Excellency was reminded, that Portugal could only Trade on such portions of the Western Coast as were South of the Line, and between the 5th and 18th degrees of South Latitude, and on the Eastern Coast, in those which are situate between Cape Delgado and the Bay of Lorenzo Marquez.

With reference to Princes and Saint Thomas, it was stated to his Excellency, that those Islands were notorious for aiding illegal Slave-trade; that

they were in prohibited Latitudes, and that Slave-ships, trading even from permitted Latitudes, had no right to touch any where in their way to their ultimate destination.

M. de Palmella, in his Answer (July 5, 1826), allowed, that he was wrong in his first Claim; admitted the truth of the observations made to him on the subject, but still claims for Portugal the right to the importation of Slaves into Princes Island, so long as it is confined to the supply of that Island.

The intention thus apparent on the part of Portugal, to hold to the Slave-trade by means of the Islands on the Atlantick, after the separation of Brazil had been acknowledged by the Mother Country, made it necessary to search more particularly into her existing Compacts with this Country, to see if she had any ground for advancing a further claim upon the point: a reference was therefore made to the Papers hereinbefore named, and particularly to the Treaty of 1815; it there appears as a distinct Engagement, that the Contracting Parties shall not permit their Flag to be used for Slave-trade, excepting for supplying the Trans-Atlantick Possessions of Portugal.

It is quite clear that the Cape de Verds, Princes, and St. Thomas Islands are not Trans-Atlantick.

The supply of those Possessions with Slaves is therefore not permitted; and by the Royal Passport, under Treaty, forbidding a Slave-ship to touch at any intermediate Port between the legal spot of the embarkation of her cargo and the spot of their ultimate destination, it is equally clear that Slave ships touching at these Islands for any purpose whatever, short of imminent distress, are liable to confiscation.

By the tenour of the Arguments of the Portuguese Negotiators; from the date of the Treaty of Alliance of 1810, down to that of 1817, and by the plain inference to be drawn from its words, the terms, "*Trans-Atlantick Possessions*" of Portugal must be held to designate the Brazils.

As Portugal has no longer possession of the Brazils, she has no longer any Possessions, for the supply of which, by Treaty, the Slave-trade was permitted, and all Vessels under her Flag, now trading for Slaves, must be trading to Places, outside of the Line which she has drawn for herself in this respect, and are obviously acting in direct violation of the existing Engagements between Portugal and Great Britain.

Although our Remonstrances have hitherto failed upon the matter, still, aware as we have been of the necessarily unsettled state of the Counsels of Portugal, we have been unwilling to take the enforcement of the Treaty rigorously into our hands, as if she had declined to fulfil her Engagements. We have been willing to believe, that she required only time for their completion.

Under these Engagements, therefore, Great Britain now calls upon her, only in a friendly spirit, to give a Pledge in writing for that general abolition of the Slave-trade for which the time is come.

*Foreign Office, September 9, 1826.*

## No. 22.

*Sir William à Court to Mr. Secretary Canning.—(Received October 23.)*

SIR,

*Lisbon, October 3, 1826.*

I BROUGHT forward the Question of the total abolition of the Slave-trade, in my first interview with Don Francisco d'Almeida, after the receipt of your Despatch of the 9th ultimo.

Nothing could be more satisfactory than the language of his Excellency upon the subject. He declared his readiness to do every thing that depended upon him to put an end to so inhuman and disgraceful a Traffick. He observed, however, that there were certain considerations which could not be lost sight of, and which would render it necessary for him to submit the Question to the Cabinet, before he gave me an Official Answer.



It was agreed that I should present a Note upon the subject, which I did on the following day; a Copy of it I have the honour to enclose.

A Week having elapsed without an Answer, I thought it advisable to speak again to his Excellency upon the subject. This second Conversation produced the Note, a Translation of which I have the honour to enclose.

It appears to me to leave nothing to be desired; and I cannot but congratulate His Majesty's Government on having at length obtained so positive a Pledge of the determination of this Government to concur in putting an end to this detestable Commerce.

I have the honour to be, &c.

(Signed) WILLIAM à COURT.

*The Right Hon. George Canning,*  
 &c.      &c.      &c.

First Enclosure in No. 22.

*Sir William à Court to Don Francisco d'Almeida.*

*Lisbon, September 23, 1826.*

THE Undersigned, &c. has been directed to call to the attention of his Excellency Don Francisco d'Almeida, His Most Faithful Majesty's Secretary of State and Minister for Foreign Affairs, that the moment is arrived when it will be necessary to come to some clear understanding upon the subject of the Slave-trade, and that Portugal should redeem the Pledge which she gave in 1810, and again at Vienna in 1815, for the total abolition of the Commerce in Slaves throughout her entire Dominions.

England has distinctly and repeatedly declared, that she never will consent to sign any Treaty with Portugal that does not contain an Article for the final and total abolition of this inhuman Traffick, and the Undersigned has now been directed to avail himself of the suspension of the Negotiations which were begun, for a Commercial Treaty, to obtain an assurance from the Portuguese Government, of its willingness to concur in such an Article.

There cannot be a doubt, that, from the moment at which Brazil ceased to be a Colony of Portugal, the single condition on which a respite was claimed by Portugal, and conceded to her at the Congress of Vienna, was done away.

For the better understanding of the Question, as it now stands, between the two Governments, a Memorandum has been forwarded to the Undersigned, a Copy of which he has the honour to enclose.

The just and liberal opinions which his Excellency Don Francisco d'Almeida is known to entertain upon the subject of the Slave-trade, leave no doubt with the Undersigned of his ready compliance with this Proposal, and of the willingness of the Portuguese Government to concur in an Article, having for object the final abolition of so inhuman and disgraceful a Commerce.

The Undersigned avails himself, &c.

(Signed) WILLIAM à COURT.

*His Excellency Don Francisco d'Almeida,*  
 &c.      &c.      &c.

Second Enclosure in No. 22.

(Translation.)

*Don Francisco d'Almeida to Sir William à Court.*

*Palace of Ajuda, October 2, 1826.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the Note and Memorandum addressed to him by his Excellency Sir William à Court, &c. on the 23d ult., pointing out, that the moment is arrived when

His Most Faithful Majesty's Government ought to execute the promises given in 1810 and 1815, for the total abolition of the Traffick in Slaves in the Portuguese Dominions; and declaring, at the same time, that England will not consent to sign any Treaty which shall not contain an Article by which His Most Faithful Majesty binds himself to a final and total abolition of this inhuman Commerce.

The Undersigned is authorized to declare to his Excellency Sir William à Court, that the Portuguese Government acknowledges that the moment is come to put an end to the inhuman Trade in Slaves, and that, consequently, it will have no hesitation to insert in the Treaty of Commerce (which the Undersigned hopes will be shortly concluded between Portugal and Great Britain), an Article by which His Most Faithful Majesty binds himself, not only to the total Abolition of the Slave-trade in the Dominions of Portugal, but also to co-operate with His Britannick Majesty for the total extinction of so barbarous a Traffick, in the Countries where it unfortunately still exists.

The Undersigned avails himself, &c.

(Signed) D. FRANCISCO D'ALMEIDA.

*His Excellency Sir William à Court.*

&c. &c. &c.

No. 23.

*Mr. Secretary Canning to Sir William à Court.*

SIR,

*Foreign Office, December 30, 1826.*

YOUR Excellency's Despatches of this Series, to the 3d of October last, have been duly received.

His Majesty's Government have learnt, with the most cordial satisfaction, the Declaration of the Portuguese Government, conveyed in your Excellency's Despatch of the 3d of October, that they will have no hesitation to insert, in any future Treaty, an Article by which The Sovereign of Portugal shall bind himself to the entire and immediate abolition of the Slave-trade in the Dominions of Portugal, and to a co-operation with His Majesty for the total extinction of this barbarous Traffick in other Countries where it still exists.

I am, &c.

(Signed)

GEORGE CANNING.

*His Excellency Sir W. à Court, G. C. B.*

&c. &c. &c.

No. 24.

*Mr. Consul-General Clarke to Mr. Secretary Canning.—*

*(Received April 26, 1826.)*

SIR,

*St. Jago, September 18, 1825.*

I HAVE the honour to acquaint you, for the information of His Majesty's Government, that the French Sloop "*Frouiza Packet*," commanded by Carlos Francisco Folite, arrived at this Anchorage, from Martinique, on the 28th of August, from stress of weather, having received considerable damage in her mast and main-boom. Repairing her defects, she proceeded on the 10th of September, with her cargo of rum and tobacco, for the Coast of Africa, with the intention of taking on board 100 Slaves for the Place above-mentioned. She being a remarkable dull-sailing Vessel, I trust some of the French Cruizers may fall in with her.

I regret, at this Season of the Year, I have not the power of communicating with the Commodore of His Majesty's Squadron on the Coast, to make him acquainted with the circumstance, but shall take the earliest opportunity of so doing.

I am, Sir, &c.

*The Right Hon. George Canning,*

(Signed)

J. P. CLARKE.

&c. &c. &c.

## No. 25.

*Mr. Consul-General Clarke to Mr. Secretary Canning.—*  
(Received April 26, 1826.)

SIR,

St. Jago, September 28, 1825.

I HAVE the honour to acquaint you, that the "*Liberale*" Portuguese Schooner, belonging to Brandon, arrived here from Bissao on the 27th ult., after having landed to Windward 50 Slaves. She being so fast a Vessel, I am thoroughly convinced that not one of His Majesty's Cruizers on the Coast, with fair sailing, will ever take her.

His Majesty's Government may rely on my exertions in gaining every information, and communicating it immediately. I am, Sir, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) J. P. CLARKE.

## No. 26.

*Mr. Consul-General Clarke to Mr. Secretary Canning.—*  
(Received April 26, 1826.)

SIR,

St. Jago, October 1, 1825.

SINCE I had the honour of addressing you, on the 28th ultimo, respecting the arrival of the "*Liberale*" with Slaves, I have great pleasure in stating, for the information of His Majesty's Government, that on the Morning of the 30th, at 6 A. M., during a heavy gale of wind from the South, the "*Liberale*" drove from her Anchors, and was totally wrecked on the Rocks in this Harbour, not a vestage of her remaining.

I hope, after the severe loss the Owners have sustained (this being their fourth Vessel), that it may be the means in some degree of checking their nefarious Traffick. I am, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) J. P. CLARKE.

## No. 27.

*Mr. Consul-General Clarke to Mr. Secretary Canning.—(Received May 11.)*

SIR,

St. Jago, Cape de Verd, January 5, 1826.

I BEG leave to acquaint you, that in consequence of the "*Liberale*" Slave-vessel, having been wrecked in this Port on the 29th September last, Antonio Jacinth Pinnello, the Partner of Brandon, has purchased an American Schooner at Bonavista, of 50 tons, which went from hence to the Coast of Africa on the 27th December last, and is hourly expected to return with a cargo of Slaves.

I have also to acquaint you, that a small Oporto Yacht of about 45 tons burthen, called the "*Porpoise*," the Owner John Antonio Gimmerains, a Merchant resident here, is also a Trader from these Islands to Bissao and Cacheo in Slaves.

I have further to acquaint you, that a very fine American-built Schooner, under Portuguese Colours, named the "*Carolina*," commanded by Victor Nobre de Britto, is at present at Bissao, on a Slaving-voyage; she is owned by a Person at Fogo, and from the best information I am able to obtain, so far from this Trade decreasing in these Islands, it is rapidly increasing, more particularly now the Brazilian Ports are open for their reception.

I have the honour to be, &amp;c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) J. P. CLARKE.

No. 28.

*Mr. Consul-General Clarke to John Bidwell, Esq.—(Received July 10.)*

SIR,

*Ville de Praia, St. Jago, April 10, 1826.*

I HAVE the honour to acquaint you, for the information of Mr. Secretary Canning, that on the 4th instant, arrived at this Port the "*Juliana Filles*," Portuguese Schooner, commanded by Joaõ Jacintho de Freitas, from Bissao, late American, (first attempt), belonging to Brandon and Jacintho Pinnello, bringing the former Governor of that Settlement, Joachim Antonio Mattas, and 2 Companies of Troops attached to this Island, with 80 Domesticks (Slaves); they represent having been boarded by an Officer of His Majesty's Sloop "*Bustard*" on the 21st ultimo, between the Coast and these Islands; a strict search could not I presume have been made, or she must have been detained, if these Slaves were seen, as, from ocular demonstration, I can assert that 20 were landed here on the Evening of the arrival of the "*Surry*" Transport, and were sold, (not publickly) to various Persons here; the remainder I have every reason to think were landed at Brava. I am, &c.

*J. Bidwell, Esq.*

(Signed) J. P. CLARKE.

No. 29.

*Mr. Consul-General Clarke to John Bidwell Esq.—(Received Aug. 17.)*

SIR,

*St. Jago, June 20, 1826.*

I BEG leave to acquaint you, for the information of Mr. Secretary Canning, that the "*Juliana Filles*" Portuguese Schooner, (with Brandon) arrived at Brava on or about the 12th instant, with upwards of 50 Slaves; likewise another Schooner (formerly Spanish), but whose name at present I have not been able to learn, arrived at the same period, with nearly 100 Slaves; I regret I cannot give the necessary information to the Authorities at Sierra Leone, having little or no communication with that Settlement, or the Gambia.

The Brig that Brandon purchased about 2 Years since is at present laying at Brava, with the intention of proceeding with a large cargo of Slaves direct to the Brazils.

I would beg to suggest, that if one of His Majesty's Cruizers were stationed between Bissao, on the Coast of Africa, and the Island of Brava, it would in all probability intercept the Vessels trading in Slaves, from the former Place to the latter, as that Island now appears to be the principal depôt.

I have the honour to be, &c.

*John Bidwell, Esq.*

(Signed) J. P. CLARKE.

No. 30.

*Mr. Consul-General Clarke to John Bidwell, Esq.—(Received Aug. 17.)*

SIR,

*St. Jago, June 28, 1826.*

I BEG leave to acquaint you, for the information of Mr. Secretary Canning, that, since the intercourse between the Portuguese and Brazilians has been renewed, a system of Traffick in Slaves, foreign to the intentions of the English Government, is carried on from these Islands to the Southern Ports, (Rio de Janeiro, Maranhão, &c.), in which it is presumed they (the Portuguese) act strictly with the existing Treaties.

Slaves (termed domesticks) are sent from hence, openly, with a regular Passport; there is now lying in this Harbour a Portuguese Brig with 67 Slaves

on board, going direct from hence to Rio de Janeiro; there are also 3 other Vessels, 2 Portuguese and 1 American, with a deputation from the Governor-General of these Provinces to the Court of Brazil, in which every Person composing that Deputation takes a certain number of Slaves, nominally as Attendants, but actually for Traffick.

While Passports can be obtained with such facility as is now the case, and the Trade between these Islands and the Portuguese Settlements on the Coast, is conducted in the manner it has been hitherto, a final stop cannot take place to the Traffick in Slaves, they having little, or no other returns to make for Merchandize imported there but these unfortunate beings.

Mr. Secretary Canning must be perfectly aware that the Americans have great intercourse with the various Settlements on the Coast, and although they may not appear openly in the Trade, they are finally paid by the produce of Slaves shipped to these Islands; one circumstance I am well aware has taken place within a very short period; a Merchant, in Boston, (United States) sent a cargo of Merchandize to Bissao, which was disposed of to the Governor, and a Note of hand passed by the latter for the Amount, which has been compromised by a return of Slaves.

By the arrival of His Majesty's Ship "Leven," Captain Owen, I am informed, it is the intention of Commodore Bullen to visit this Island shortly, when I shall make him acquainted with every particular on this and other matters relative to the Slave-trade. I have the honour to be, &c.

*John Bidwell, Esq.*

(Signed) J. P. CLARKE.

### No. 31.

*Mr. Consul-General Clarke to John Bidwell, Esq.—(Received Oct. 28.)*

SIR,

*British Consulate, St Jago, Aug. 2, 1826.*

THE Portuguese Brig called the "*Don Pedro*," which has been detained at Brava for some Months, left that Island on the 18th ult. with a full cargo of Slaves, direct to the Brazils; the exact number I cannot ascertain, but from the best information I am able to procure, and from her dimensions, should suppose at least from 150 to 200.

I have likewise to acquaint you of the arrival at Brava of the "*Juliana Filles*," Freitas, Master, with 100 Slaves, on the 28th ult.; after having landed them at that Island, she arrived at this Port, on the 31st ult., and having refitted, she proceeded to Bissao, on the 10th instant for another cargo.

I have, &c.

*John Bidwell, Esq.*

(Signed) J. P. CLARKE.

### No. 32.

*Mr. Consul-General Clarke to John Bidwell, Esq.—(Received Oct. 28.)*

SIR,

*British Consulate, St. Jago, Aug. 16, 1826.*

I BEG leave to acquaint you, for the information of Mr. Secretary Canning, that a Spanish Brig, named the "*General Pope*," commanded by Captain Joze Gomez, mounting 14 guns, with a complement of 80 Men, arrived at this Anchorage on the 14th instant, to refit, previously to her departure for the Gallinas for a cargo of Slaves for the Havannah. This Vessel was a successful Privateer in the late American War, then named the "*Munro*," and a very fast sailer.

Should a conveyance offer for our Settlements on the Coast, I shall transmit a full description of her to Commodore Bullen, of His Majesty's Ship "Maidstone."  
I have, &c.

*John Bidwell, Esq.*

(Signed) J. P. CLARKE.

No. 33.

*Mr. Consul-General Clarke to John Bidwell Esq.—(Received Oct 28.)*

SIR,

*British Consulate, St. Jago, Aug. 24, 1826.*

I BEG leave to state, that a Dutch Schooner of 3 masts, name at present unknown, hove in sight of this Harbour on the 17th instant, having overshot her Port, intending to have made Boavista, where she is at present refitting, with the intention of proceeding to the Coast for Slaves, for Surinam; the Master of her, Oulierre, is an old Slaver; but I am in great hopes some of our Cruizers will fall in with her, being rather a dull sailer.

His Majesty's Government may rely, should opportunity offer, of my giving the necessary information to Commodore Bullen.

I have the honour to be, &c.

*John Bidwell, Esq.*

(Signed) J. P. CLARKE.

## BRAZIL.

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No. 34.

*Mr. Consul General Chamberlain to Mr. Secretary Canning—(Received April 12.)*

SIR,

*Rio de Janeiro, February 13, 1826.*

IN the early part of December last, the "Thetis" Victualling Transport, under the charge of Lieutenant Hopkins, Royal Navy, arrived here from England.

A few miles outside the Bar she fell in with a small Schooner, under Brazilian Colours, laden with Slaves, of which the Lieutenant took possession, (under an idea, as he stated to me, that the Trade had been abolished,) and then brought her into this Port, whither, as well as the "Thetis," she was bound.

The Schooner is called the "*Amizade de Santos*;" her Master and Owner's name is José Lopez de Bastos.

She remained in possession of the Mate and five Seamen of the "Thetis," during about 24 hours, all the while endeavouring to enter the Harbour; and as soon as she came to Anchor, the men were withdrawn, and her Papers returned by Lieutenant Hopkins' directions, upon his learning that the Slave-trade was still allowed in this Country. No harm was done to the Schooner, nor any violence offered to her Crew or Cargo.

Two day afterwards I saw M. de St. Amaro, who asked me, rather drily, whether Lieutenants in charge of Transports were authorized by my Government to capture Brazilian Slave-vessels; I told him "certainly not." He then went through a highly coloured detail of what had passed between the "Thetis" and the Schooner, and said he should soon make a Representation to me on the subject, requiring full and signal satisfaction for the insult to the Brazilian Flag. I felt no difficulty in assuring him, that my Government would disapprove of the act of the Lieutenant of the Transport, and that they would afford every adequate satisfaction for what had been done by him without authority.

I heard nothing more from M. de St. Amaro on the subject.

A few days ago, M. de Inhambupe sent me a Note, of which the enclosed is a Translation, containing four Documents, respecting the Voyage and detention of the Schooner, "*Amizade de Santos*;" all of which I take the liberty to transmit herewith.

M. de Inhambupe's Note contains, as you will see, rather an inflated representation of the circumstances that took place when the Schooner was detained, and afterwards, until her delivery the next day to the Master and Owner in this Port, founded upon, but not carried to the length of the gross exaggeration of the latter, as set forth in his Petition and Protest; which Protest, it is to be remarked, is not made before a Notary Publick on Shore, but is dated the 5th of December, on board the Schooner at Sea, and unblushingly relates, on that day, as facts, circumstances that are declared to have happened afterwards.

Both Vessels anchored in this Harbour in the Afternoon of the 6th December, and when the Schooner was delivered up by Lieutenant Hopkins, he received (in the presence of the Captain of the Port, as he positively assured me), the thanks of her Owner and Master, for the mild manner his men had behaved themselves, and the services they had rendered whilst on board.

In Reply to M. de Inhambupe, I have repeated the assurances formerly

given to M. de St. Amaro, that every adequate reparation should be made for the unauthorized and improper act of one of His Majesty's Officers.

I have thought it right, however, not to stop there, but to point out to his Excellency the great informality of the "Amizade de Santos's" Voyage altogether, and that she, and her Owner and Master, ought to have been visited with the penalties declared by the Law, against Vessels and Persons carrying on the Slave-trade, without being duly authorized thereunto by their own Government.

The Passport she produces, dated 23d March 1825, is for a voyage to Buenos Ayres, and back : she sailed from hence in that Month. In November she is (according to Document C.) at Benguella, with a cargo of Slaves on board ; but she has not a Royal Pass, as stipulated in the 12th Article of the Additional Convention of London, and offers nothing to legalize her Voyage, but a Certificate from the Dispatcher of Vessels at *that Port (Benguella)*, that she had entered into certain Bonds, and may not carry more than 301 Slaves.

All this is clearly at variance with the before-mentioned Stipulation of the Additional Convention, and so I have told M. de Inhambupe, in order to prepare him for any remarks you may be pleased to direct me to make, upon the apathy of the Brazilian Government upon this breach of the Law, and their readiness to afford protection to a Slave-ship carrying on the Trade, in direct violation of an existing Treaty ; of which violation, the proofs were in their hands.

M. de Inhambupe has not sent any Reply to my Letter. The Schooner, according to her own Report of Entry at this Custom-House, embarked 301, her full number of Slaves, (of which 39 died during the voyage) ; 3 Passengers and a quantity of bees-wax : she appears to be about 75 tons burthen, British.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) H. CHAMBERLAIN.  
 &c.                    &c.                    &c.

First Enclosure in No. 34.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

*Rio de Janeiro, February 7, 1826.*

JOSE LOPES DE BASTOS, Owner and Master of the Brazilian Schooner "Amizade de Santos," arrived in this Port of Rio de Janeiro on the 6th day of December last past, having represented that, proceeding peaceably on his voyage from the Port of Benguella for that of this Capital, with a cargo of Slaves, when he was about to cross the Bar, and between the Islands of Marica and Paioz, which are, as is known, within sight of the Fort of Santa Cruz, he was grievously insulted by an English Transport, calling herself the "Thetis," which fired upon him at  $\frac{1}{2}$  past 3 o'Clock in the Afternoon of the 5th; following up this unprovoked attack, the Englishmen came on board the said Schooner armed, and disrespecting the Brazilian Flag, which was hoisted, as well as the Imperial Passport, which the said Master had the condescension to shew, although the Transport was not competent to judge of its validity; the said Englishman going to the length of forcibly carrying the said Master and the Crew on board the Transport, and placing in her a Foreign Crew armed, as is all made manifest from the enclosed Representation (A), Protest (B), Certificate Bond given in Benguella (C), and the Passport of the Ship (D); and it being evident that no pretext whatever, however apparent it might be, could authorize a mere English Ship to perform the acts of jurisdiction before-mentioned, in going on board a Brazilian Vessel with an armed force, and committing acts most offensive to the Dignity and Independence of the Empire, and to the Legitimate Rights of the Lord of the Port, within sight of which, and in that of its respective Forts, the said Rights were attacked: The Undersigned, Councillor of State and Minister and Secretary



of State for Foreign Affairs, cannot refrain from calling the most serious attention of Mr. Henry Chamberlain, His Britannick Majesty's Consul-General, to these sufficiently notorious facts, and to request, as he does, by order of His Majesty The Emperor, those explanations that are requisite for the ulterior regulation of His Imperial Majesty's Government, which now, protesting against such arbitrary proceedings, and expecting, in consideration of the good harmony happily existing between the Two Governments, that that of His Britannick Majesty will not but formally disapprove of the conduct of that Transport, trusts no less that a satisfaction and reparation will be given, adequate and corresponding to the offensive acts, which form the subject of the present Note. The Undersigned profits, &c.

(Signed) VISCONDE DE INHAMBUPE.

Henry Chamberlain, Esq.

First Enclosure (A.) in No. 34. (Translation.)

*Petition of the Master of the "Amizade de Santos."*

JOSE LOPES DE BASTOS, Master of the Schooner "*Amizade de Santos*," who came into this Harbour on the 6th day of the present Month of December, on his voyage from Oporto to Benguella, with a cargo of new Slaves, says, that on his entrance to Barra, and in the District and Waters between the Islands of Marica and Paios, he was greatly insulted by an English Ship called the "*Thetis*," from which 3 cannon-balls were fired at him, at half-past 3 in the Evening of the 5th day, at the time when they knew that all the Slaves were above deck; in consequence of which the Slaves, terrified, precipitated themselves upon the deck, and some of them were grievously trodden upon: which insult was followed by the entrance of the English into the said Schooner, armed with swords and pistols, and using very indelicate language to its Crew and Passengers. Other insults followed on those, namely, insisting on the Petitioner showing them his Passport of the Empire, and returning it with contempt to him, saying that they knew no such Passport, tearing it in part, and taking the Petitioner, with the Pilot of the Schooner, on board their Vessel; notwithstanding that the said Petitioner was seriously indisposed, on which account they permitted him to return at Night to the aforesaid Schooner, at the same time taking away all his crew, and manning the Ship with 5 very drunken Englishmen, who passed all the Night in a state of intoxication, in firing pistols, and making an uproar with each other, until they quarrelled, the Ship remaining as if on the top of the waters, with the sails flapping, from whence ensued her almost total destruction. And all this happened, notwithstanding that I had the Flag of the Empire hoisted; and this, therefore, is a case which calls for reparation for the injury done by Subjects of a Friendly Nation, which every day receives from our's the most sincere proofs of hospitality. He represents this, and may Your Imperial Majesty be pleased to take his case into your consideration, seeing that the Captain, Charles H. Palivend, of the English Ship aforesaid, has been served with a Protest from the Petitioner on that subject, to which he has not replied.

JOSE LOPES DE BASTOS, Owner and Master.

First Enclosure (B.) in No. 34. (Translation.)

*Protest of the Master and Crew of the "Amizade de Santos."*

IN the Year, from the Birth of our Lord Jesus Christ, 1825, the 5th of December, when, with my Schooner the "*Amizade de Santos*," laden with Slaves, and proceeding from the Town of St. Philip, in Benguella, I was, at half-past 3 in the Afternoon, opposite the Isles of Marica; an English Vessel, the "*Thetis*," approached me to the Leeward, having hoisted the American

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Flag ; but soon after she hoisted the English Flag, and I hoisted my Flag of the Empire of Brazil. When quite near me she fired 3 shots at me. I was on deck with all the Slaves, who were so much alarmed that some of them were on the point of throwing themselves over-board, so that it required great exertion to quiet the disturbance, in which many were trod under foot, who, I am afraid, cannot recover ; and the Boat of the English Vessel coming on board the Schooner, the Boat's Crew raised such a tumult, that a mutiny seemed to have broken out, as the English came armed with swords and muskets, and struck great terror into the Slaves, whom they ill-treated and trampled on ; and they even beat me. Nay, it is as I say, they beat me, my Crew, and the Passengers ; they then carried me, my Crew, and two Passengers, on board their Ship. I showed them my Papers and the Royal Passport ; they told me that they knew of no such Passport, and even tore a piece out of it. By dint of entreaties I prevailed on them to let me return on board the Schooner, though alone, in order to look after the Slaves. When I came on board, I found 5 Englishmen, who had remained there, much intoxicated, beating and kicking the Negroes, and offering violence to the Negro women ; all was in an uproar. It was revolting to see that even the sick were not spared ; such was the effect of their intemperance ; two were fighting with swords. Being without assistance, I was unable to keep the Negroes in order, or to administer to the sick the proper remedies ; in consequence of which 8 of them died that Night, and 20 were taken so ill, that I despair of their being restored to health. During the whole Night my sails were flapping to and fro, and my rigging so ill-used as to be nearly destroyed. The replacing of sails and rigging will occasion an expence of upwards of 200 mil reis. I therefore enter my Protest against the English Ship "Thetis," or her Commander, or against any one whosoever he may be, for all losses and damages sustained by the Schooner and her Cargo of Negroes, in consequence of the boarding, at half-past 3 o'clock, P. M., on Monday, the 5th of December of the said Year ; and also, because I was prevented by that occurrence from arriving on the same day in the Harbour of Rio de Janeiro ; not to mention the insult offered to me and my Ship's Company. For which purpose we have made the present Deposition, and signed it on board the Schooner "Amizade de Santos," on the 5th December, 1825.

(Signed)

JOAO CORREA DE BARROS.

For MANOEL PETA, there was a cross.

For MANOEL MARQUES, ditto.

For JOAO RIBEIRA, ditto.

JOZE LOPES DE BASTOS, Master.

JOZE DE SOUZA ROZA, Steersman.

P.S.—Having examined my Papers on Shore, after they were returned me from on board the "Thetis," whither they had all been carried, I found that there was wanting the Pass for the Negroes, which I received at Benguella. But I can produce the Cocket which was given me there likewise.

JOZE LOPES DE BASTOS, Master.

The Protest contained no more ; and referring to it, I have given above a Copy of the same. And to certify that it is a true one, I have subscribed and signed this in the Publick Exchequer at Rio de Janeiro, on the 3d January 1826.

(Signed)

JOAQUIM JOZE DE CASTRO.

Subscribed and signed in the Publick Exchequer,

(Signed)

EMANUEL DE VERDE.

JOAQUIM JOZE DE CASTRO.

First Enclosure (C.) in No. 34.

(Translation.)

*Certificate of Bond.—Schooner “Amizade de Santos.”*

MANUEL XAVIER RIBEIRO, Clerk of the Shipping Department for His Majesty, &c., certifies, that in Folio 110, of the 2d Book of Securities, the following Writing appears:—

On the 4th day of the Month of November of 1825, in this City of Benguella, and in my Record Office, appeared Joze Lopes de Bastos, Master of the Schooner “*Amizade de Santos*,” which is pursuing her voyage for Rio de Janeiro, with a cargo of Slaves, and by him it was told to me, that, in order to pursue his voyage, according to the customary forms, he bound himself to what follows:—That, he would not take any more Persons in the Crew of the said Schooner than those which it contained, or any Person else whatsoever, without the written Permission of the Most Illustrious the Governor of this City, and doing the contrary he would incur the penalties of Law, and would be liable to pay 400,000 reis, as should be determined by the Most Illustrious and Most Excellent the Governor and Captain-General of the Kingdom of Angola, in conformity with the 48th Chapter of the Regulations of his Government: that he would not carry more Slaves than 301, according to his Admeasurement; and exceeding that number, he would incur the penalties of the Laws of Admeasurement; for which Slaves he showed that he carried the necessary provisions and water, which was seen by the Documents which he presented: that the said Schooner is going straight to the Port of Rio de Janeiro, and that were he constrained to make any other, he would there set forth before the competent Magistrates, the cause of his arrival, and when that was remedied, that he would proceed with the cargo, which he here received, for the Place of his destination; from which obligation he would be excused by judicially proving that the state of his tackle or Vessel, the situation of the Port, the weather, or the season did not permit him to undertake such a voyage, without the evident risk of losing his cargo of Slaves; and remaining in the Port in which he might arrive without performing the said justification, he should be subject to pay 12,000 cruzados, besides the losses and damages which he might occasion to the Parties interested in the Ship; and that he would also indemnify the Persons who shipped the Slaves, for their value, according to the price in the Port to which he is to carry them, should they not choose to receive the prices of the Port at which he might arrive; and all shall be liquidated with the said Master as the Owner of the said Schooner; or finally, with his Security and principal Agent, as the Parties shall think fit, making use for that purpose of the competent measures: that, in case of his arrival, and not being able to return to the Port of his destination, he would deliver the Letters which he carries from this Place to the Post-Office of the Harbour where he may arrive, requiring their delivery, and principally those on Royal Service, to the Stations and Persons to whom they are addressed, securing himself with Receipts in form, that he may present them in this City, and if he does the contrary he would incur the Penalties of Masters who do not deliver the Mails: that being attacked by an enemy superior in force, before surrendering, he would throw into the Sea the said Mails and Letters, under penalty of paying the sum of 400,000 reis. And Justiniano Joze dos Reis, a Merchant, of this Place, being also present, whom the Master presented to be his Security, I was told by him that of his free-will, he agreed to become his Security and principal Agent for all pecuniary Penalties to which the said Master bound himself by this Writing, which, after being read, they signed with me.

(Signed)

MANOEL XAVIER RIBEIRO.

JOZE LOPES DE BASTOS.

JUSTINIANO JOZE DOS REIS.

Nothing else is contained in the said Writing, which I have extracted faithfully from the said Book to which I have referred.

*Benguella, Nov. 4, 1825.*

(Signed)

MANOEL X. RIBEIRO.

*Muster Roll of the Schooner "Amizade de Santos," for Rio de Janeiro.*

No.	Employments.	Names.	Place of Nativity.	Years.	Face.	Stature.	Wages.
1	Master .....	Jozé Lopes de Bastos....	Oporto..	44	Round	Ordin.	
2	Pilot .....	Jozé de Senza Rosa.....	Oporto..	26	Ditto	Ditto	
3	Mate .....	André Gomez .....	Oporto..	35	Oval..	Tall ..	
4	Clerk .....	Jozé Correa de Barros ..	Villa Real	27	Round	Ordin.	Gratis.
5	Steward .....	Manoel Pinto .....	Caminha	23	Ditto	Ditto	40 Dollars.
6	Barber .....	Jozé, Slave of aforesaid ..	Angola..	"	Ditto	Ditto	Already at Brazil.
7	Seaman .....	Manoel Lopez .....	Oporto..	30	Ditto	Ditto	
8	Ditto .....	Romas Jozé.....	Lisbon..	28	Oval..	Ditto	} 40 Dollars.
9	Ditto .....	Manuel Marques.....	Coimbra	44	Round	Short	
10	Ditto .....	Antonio de Souza .....	Oporto..	23	Ditto	Ordin.	
11	Slave .....	Simplicio, of the Master..	Cabinda	"	Oval..	Ditto	} These persons paid no duties, having already been at Brazil.
12	Ditto .....	Antonio, Ditto.....	Cabinda	"	Round	Ditto	
13	Ditto .....	Francisco, Ditto.....	Congo ..	"	Ditto	Ditto	
14	Ditto .....	João, of Miguel Ant. Ferra	Novo Red	"	Ditto	Ditto	

I, Manoel Xavier Ribeiro, Clerk of the Shipping Department for His Majesty, &c., certify, that I inspected the Persons mentioned in the above List, according to the forms of the Royal Orders. And to prove it, I drew up this present, which I have signed.

Benguela, Nov. 3, 1825.

(Signed)

MANOEL X<sup>ER</sup>. RIBEIRO.

**MOST ILLUSTRIOUS GOVERNOR,**

JOZE LOPES DE BASTOS, Master of the Schooner "*Amizade de Santos*," submits that, by the annexed Documents, he is ready to pursue his Voyage to-morrow, to the Port of Rio de Janeiro, with a cargo of Slaves, and, as he cannot do that without permission, he prays that, for that purpose, your Excellency will be pleased to order the Fortress to place no obstacle in the way of his departure.

(Signed)

LOPES DE BASTOS.

No. 1,024.—It may proceed on the Voyage, this }  
 Fortress placing no obstacle in its way. } Let this be fulfilled.  
 (Signed) AURELIO. } (Signed) FREITAS.  
 Government-House of Benguela, 8th Nov. 1825.

First Enclosure (D) in No. 34.

(Translation.)

*Passport of the Schooner "Amizade de Santos."*

FRANCISCO VILLELA BARBOZA, of the Council of State of His Imperial Majesty, Grand Cross of the Imperial Order of Cruzeiro, Knight of the Order of Christ, Colonel of the Imperial Corps of Engineers, Minister and Secretary of State for the Affairs of Marine, and Inspector-General of Marine, &c. &c. &c.

I make known to all those who shall see this Passport, that the Schooner "*Amizade de Santos*" is to sail from this Port of Rio de Janeiro to Buenos Ayres, whence it is to return to this Court, and of which Schooner Jose Lopes de Bastos is Master and Owner, a Subject of this Empire, no Foreign Person being on board the said Schooner. Wherefore, if, in going or returning, it should be met, in any Seas or Ports whatsoever, by the Chiefs and Officers of the Ships and Vessels of this Empire, The Emperor of Brazil com-

mands that they put no obstacle in its way. And he recommends to the Fleets, Squadrons, and Vessels of the Kings, Princes, Republicks, and Potentates, Friends and Allies of this Crown, not to prevent it from pursuing its Voyage, but to aid and favour it in every way necessary, in the certainty that to those who are recommended by their Princes, the same and equal treatment will be shewn. In faith whereof He commanded this Passport to be given, signed by me, and sealed with the Great Seal of the Imperial Arms.

Given in the Palace of Rio de Janeiro, 23d March, in the Year of the Birth of our Lord Jesus Christ, 1825.

(Signed) FRANCISCO VILLELA BARBOZA.

By Order of His Excellency,

(Signed) ANTONIO ABZ. DE BRILLO.

*On the Back of the Passport*, registered in folio 20 of the 7th Book of Ship Passports. (Signed) ANT. DE ARAUJO LEDO.

*Secretary of State's Office, 24th March 1825.*

Second Enclosure in No. 34.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

MONSIEUR LE VICOMTE,

*Rio de Janeiro, February 9, 1826.*

ACKNOWLEDGING the receipt of your Excellency's Note of the 7th instant, together with its Enclosures, respecting the firing at and taking possession of the Brazilian Slave-vessel "*Amizade de Santos*," José Lopes de Basto, Master and Owner, by the British Transport "*Thetis*," within sight of this Harbour, on the 6th of December last, I do not hesitate to take upon myself to assure your Excellency, that every adequate reparation will be made for the unauthorized and improper act of which your Excellency complains, which act cannot but be entirely disapproved of by His Majesty's Government, to whom I shall not fail to transmit your Excellency's Note, and its Enclosures, by the first opportunity.

Having so far had the honour to answer the immediate purport of your Excellency's Note, I take the liberty to submit, for your Excellency's consideration, a few Remarks, founded upon the Documents it contains; not for the purpose of excusing or covering the improper conduct of the British towards the Brazilian Vessel, but with the view of pointing out the flagrant breach of the Additional Convention of London (July 28, 1817), committed by the latter, which, as it appears to me, the Brazilian Government is bound to notice.

The 4th Article of that Convention stipulates, "that every Vessel sailing from Rio de Janeiro, to be employed in the licit Slave-trade, must be furnished with a Passport, conformable to the model annexed to the Convention, and forming an integral part thereof; in which Passport is to be specified the number of Slaves the Vessel is permitted to carry."

The "*Amizade de Santos*" had no such Passport, at least her Master and Owner produces none; but, instead thereof, the common ordinary Passport carried by Merchant Vessels, dated in March 1825, authorizing her to sail to Buenos Ayres and back again direct. Whether she went to Buenos Ayres does not appear; but, in the Month of November following, she is found in the Port of Benguella, where, without being authorized by her own Government to engage in the Trade at all, she takes on board a cargo of Slaves, with which cargo she sails direct for Rio de Janeiro.

It would be difficult to imagine a more open breach than this, of the rule laid down in the before mentioned Additional Convention for regulating the mode of carrying on the licit Slave-trade; and your Excellency will, no doubt, upon reflection, see it in the same light.

Had the "*Amizade de Santos*" been fallen in with at Sea, by any British

or Brazilian Ship of War, employed in checking the illicit Trade, her want of Papers would have justified her detention, and might have been followed by her condemnation.

Upon her arrival in this Harbour, I must presume she became liable to the Law, for being informally employed in carrying Slaves.

The Papers she produces from the Portuguese *Escrivaõ dos Despachos*, in the Portuguese African Port of Benguella, would be insufficient to authorize a Portuguese Slave-vessel to navigate the Seas : how much the less can it be a sufficient Authority for a Brazilian Vessel to engage in the Slave-trade, between Portuguese Africa and Brazil, in contradiction to the express Stipulations of an existing Treaty ?

Your Excellency will, I hope, pardon my having ventured to offer these remarks. I have been induced to do so, in order to prepare your Excellency for those of my Government, when they learn that the informal, if not illicit, conduct of the Master and Owner of the "*Amizade de Santos*," which conduct, to say the least of it, is at variance with the Engagements between the two Countries, has apparently neither attracted the notice, nor called forth the disapprobation of the Brazilian Government ; but that, the Law being allowed to sleep, their protection is exerted in his favour to the same extent as if he had done nothing wrong, and had not committed an infraction of a Treaty.

I profit, &c.

(Signed)

H. CHAMBERLAIN.

*H. E. the Viscount de Inhambuca,*  
&c. &c. &c.

No. 35.

*Mr. Secretary Canning to Mr. Consul-General Chamberlain.*

SIR,

*Foreign Office, June 14, 1826.*

THE circumstances relating to the detention of the "*Amizade de Santos*," by the British Transport "*Thetis*," and to the irregularity of the Voyage of the first mentioned Vessel, as detailed in your Despatch of the 13th of February, of this Series, have been referred to His Majesty's Advocate-General; who has reported it to be his opinion, that the act of the "*Thetis*" was unjustifiable, and contrary to the Provisions of the Convention.

The defects that were discovered in the Papers of the Brazilian Vessel, were very properly brought, by you, to the notice of the Brazilian Government.

As this Vessel had cleared out for Buenos Ayres, it does not appear certain that the Brazilian Government was privy to these irregularities ; and under the particular circumstances of the case, it would not now be advisable to remonstrate further, on the discovery made, in consequence of the seizure of the Vessel.

I am, &c.

*Henry Chamberlain, Esq.*

(Signed)

GEORGE CANNING.

No. 36.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received July 8.)

SIR,

*Rio de Janeiro, March 21, 1826.*

I BEG leave to enclose the Copy of a Letter, and its Enclosure, received from Mr. Consul Pennell, stating the number of African Slaves imported into, and exported from, the Port of *Bahia*, during the Six Months ended the 31st December 1825.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) H. CHAMBERLAIN.

## First Enclosure in No. 36.

*Mr. Consul Pennell to Mr. Consul-General Chamberlain.*

SIR,

*Bahia, February 3, 1826.*

I HAVE the honour to enclose two Returns of the number of Slaves imported into, and exported from, the Port of Bahia, from the 1st July 1825, to the 31st December 1825.

I have the honour to be, &amp;c.

*Henry Chamberlain, Esq.*

(Signed) W. PENNELL.

## Second Enclosure in No. 36.

*Return of the Number of Slaves Imported into Bahia, from 1st July 1825, to 31st December 1825.*

Date of Arrival.	Name of Vessel.	Whence	Number of Negroes.			Observations.
			Embarked.	Died.	Landed.	
July 13	la Rosalia - - -	Molembo - - -	"	"	232	
August 27	Emilia - - -	Ambris - - -	"	"	311	
Sept. 11	Ira Estrella - - -	Molembo - - -	"	"	226	
" 22	Carridade - - -	Do. - - -	"	"	303	
October 1	S. Joao Voador - - -	Do. - - -	"	"	80	
" 6	S. Joao Espadarte - - -	Ambris - - -	"	"	243	
" 27	N. Senhora d'Ajuda - - -	Pernambuco - - -	"	"	25	
November 3	Henriqueta - - -	Molembo - - -	"	"	504	
" 19	Aguia - - -	Do. - - -	"	"	127	Robbed 317
" 23	Bom Successo - - -	Do. - - -	"	"	204	
December 3	S. José Vencedor - - -	Do. - - -	"	"	14	Robbed 316
					2269	

## Third Enclosure in No. 36.

*Return of the Number of Slaves Exported from Bahia, from 1st July 1825, to 31st December 1825.*

Date of Sailing.	Name of Vessel.	Where bound.	"	"	Number of Negroes.
October 30	Tiberio.	Rio de Janeiro.	"	"	16

(Signed)

WM. PENNELL.

## No. 37.

*Mr. Consul General Chamberlain to Mr. Secretary Canning.—*  
(Received July 8.)

SIR,

*Rio de Janeiro, March 26, 1826.*

I HAVE the honour to transmit, herewith, Copies of a Despatch, and Enclosure, received from Mr. Consul Pennell, communicating the gratifying

information that Licences to touch at the Islands of St. Thomas and Princes, and other Places within the prohibited Districts, will no longer be granted by the Government at Bahia, to Slave-vessels sailing from thence on the licit Trade to Ports South of the Equator.

It will be observed that the Portaria describes these Licences as "fraudulent," and contrary to the Stipulations with Great Britain respecting the Slave-trade.

It is some consolation that the Government have at length been brought to consider them in this light. That they should ever have considered them otherwise, or hesitated, as they have done, during several Years, to yield to the repeated Remonstrances of His Majesty's Government against granting such Licences, is the more extraordinary, as there exists in the Statute Book, a Carta Patent, dated the 13th April 1809, relieving the Slave-ships of Bahia from the legal obligation to touch at the Islands of St. Thomas and Princes, because experience had shewn, that the calms and contrary currents of the Seas on their Coasts created great delays, whilst the *infectious pestilence of the air produced great mortality amongst the Negroes embarked*: inconveniences and calamities which vanished before the profits of the illicit Trade.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) H. CHAMBERLAIN.  
 &c. &c. &c.

First Enclosure in No. 37.

*Mr. Consul Pennell to Mr. Consul-General Chamberlain.*

SIR,

*Bahia, February 15, 1826.*

I HAVE the honour to inform you, that I was in expectation of receiving a Statement of some specifick facts, to bring under the consideration of the President of this Province, in support of a Representation against Vessels being permitted to touch at Places North of the Equator, when the Document, of which I have the honour to enclose a Copy, was made publick; being an Order from the Brazilian Government (dated Rio de Janeiro, 8th January, 1826,) not to grant such Permissions (denominated "Escalas dolosas," in future, as being contrary to Stipulations with the British Government, as regards the Slave-trade.

This circumstance will prevent my making the Representation I had contemplated.

I have the honour to be, &c.

*Henry Chamberlain, Esq.* (Signed) W. PENNELL.

Second Enclosure in No. 37.

(Translation.)

OFFICIAL ARTICLE.—*Department for Foreign Affairs.*

IT having come to the knowledge of the Government of His Majesty The Emperor, that some Merchants, to whom is permitted the licit Slave-trade, trying to deceive the Constituted Authorities, to whom it belongs to watch over the execution of the existing Treaties between this Government and that of His Britannick Majesty, avail themselves of fraudulent Licences to touch at Places ("Escalas dolosas") to pursue the illicit Trade; and it being necessary to provide against the possibility of the renewal of such abuses; I am to inform your Excellency, for your information, and its execution, that the Imperial Government judge proper to order that such Licences shall not be granted; the which is conformable to what is stipulated with the British Government respecting the Slave-trade.

God preserve your Excellency.

*Palace of Rio de Janeiro, January 8, 1826.*

*Snr. Visconde de Queluz.* (Signed) VISCONDE DE SANTO AMARO.



## No. 38.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received July 8.)

SIR,

Rio de Janeiro, March 28, 1826.

IN addition to the Papers I have already had the honour to transmit, respecting the Slave-vessel "*Amizade de Santos*," in my Despatch of the 13th February last, I now beg leave to submit for your perusal the Translation of an Official Article, published in this day's *Diario Fluminense*, being the Copy of a Letter from the Minister for Foreign Affairs to the Minister of Marine, explaining the reasons why his Excellency had limited himself, in his Note to me of the 7th February, respecting that Vessel's detention by the "*Thetis*," to the mere demand of satisfaction for the insult shewn to the Flag, without demanding any indemnification for damages.

In this Letter M. de Inhambupe shows the voyage of the "*Amizade de Santos*" to have been wholly illegal and simulated; yet no legal steps have been taken to bring the Owner, Master, or Crew, to justice, and the Vessel has been allowed to sail again upon another voyage to the Coast of Africa.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c.      &c.      &c.

(Signed) H. CHAMBERLAIN.

Enclosure in No. 38.

(Translation.)

*The Brazilian Minister for Foreign Affairs to the Minister of Marine.*

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

IN Reply to your Excellency's Office of the 15th of the present Month, I have to inform you, that in consequence of the Offices from your Excellency's Department of the 15th and 20th December of last Year, referred to, in which was transmitted the Representation of Joze Lopes de Bastos, Owner and Master of the Schooner "*Amizade de Santos*," complaining of the hostile act committed by the Commander of the English Ship "*Thetis*," a Note, of which the Enclosure is a Copy, was addressed to the Consul-General of His Britannick Majesty, to which he replied by the Note which accompanied the former; \* this affair having also been transmitted to the Barão de Itabayana, in order to make the necessary Representations, the result of which is not yet known. On perusal of these Notes, your Excellency will see, that this Department has limited itself to requesting satisfaction for the insult that the Commander of the above-mentioned Ship "*Thetis*" committed against the National Flag, and not an indemnification for Losses; because, it being requisite that the Master of the said Schooner should present the respective Passport, in order to verify the legality of his voyage, it became known, from that exhibited, that it was a simulated (*simulada*) voyage, he having cleared out his Ship from this Port for Buenos Ayres, and not for the Coast of Africa; from whence, however, he came with a cargo of Slaves, when he was unduly boarded by the said English Ship: all which I communicate to your Excellency for your Government; apprising you, that so soon as a Decision on this Affair arrives from London, I shall hasten to convey it to the knowledge of your Excellency. God preserve your Excellency.

Palace, March 17, 1826.

(Signed)

VISCONDE DE INHAMBUPE.

*Senhor Visconde de Paranagua.*

\* See Enclosures in No. 34.

No. 39.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Aug. 27.)

SIR,

*Rio de Janeiro, June 17, 1826.*

I BEG to acknowledge the receipt of your Despatch of the Slave-trade Series, dated the 6th of May, accompanied by a Copy of the Papers, marked A. and B., relative to the Slave-trade, which has been presented to both Houses of Parliament by His Majesty's Command, in the course of the present Session.

I have the honour to be, &c.

(Signed)

H. CHAMBERLAIN.

*The Right Hon. George Canning,*  
&c. &c. &c.

No. 40.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Aug. 27.)

SIR,

*Rio de Janeiro, June 19, 1826.*

IN the Sitting of the Chamber of Deputies of the 15th instant, a Report from the Committee of Legislation was read, proposing the term of 14 Years for the abolition of the Slave-trade; to which S<sup>r</sup>. Clemente Pereira proposed, as an Amendment, to substitute 6 Years instead of 14. The Report and Amendment were ordered to be printed. One Member, S<sup>r</sup>. Malaquias, declared, that he was ready to vote for an immediate Abolition; but no Motion of this sort was made.

I have the honour to be, &c.

(Signed)

H. CHAMBERLAIN.

*The Right Hon. George Canning,*  
&c. &c. &c.

No. 41.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Oct. 4.)

SIR,

*Rio de Janeiro, July 7, 1826.*

I HAVE lately received from Mr. Consul Hesketh, at Maranham, a Despatch, dated the 21st of March of the present Year, accompanied by very voluminous Documents, respecting a Schooner called the "*Carolina*," which had arrived there, and been allowed to land a cargo of Slaves from Cacheu.

I should have brought this fresh and palpable breach of the existing Treaty for checking the illicit Trade in Slaves, and of the Alvará of the 26th of January 1818, at once before the Government, but for the expectation that I may perhaps be speedily honoured by the receipt of some Instructions from you, Sir, upon this subject; which expectation is formed upon Mr. Consul Hesketh's having informed me that he had already transmitted to the Foreign Office the principal details of the circumstances of this Case, and should continue to forward others as they occurred, as well as of the steps he had taken in it.

I cannot foresee any inconvenience arising from my waiting until the next Packet arrives, whilst, whatever I may feel it right to urge with the Government, will come with double force when founded upon your Instructions.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed)

H. CHAMBERLAIN.

## No. 42.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Oct. 4.)

SIR.

Rio de Janeiro, July 7, 1826.

I BEG leave to transmit the Copy of a Letter from Mr. Consul Hesketh, with its Enclosure in original, stating the number of Slaves imported into the Port of Maranham during the Year 1825.

I have the honour to be, &amp;c.

*The Right Hon. George Canning,* (Signed) H. CHAMBERLAIN.  
&c. &c. &c.

## First Enclosure in No. 42.

*Mr. Consul Hesketh to Mr. Consul-General Chamberlain.*

SIR,

Maranhm, January 17, 1826.

I TRANSMIT, enclosed, a Statement of the Slaves imported into Maranhm during the Year ending the 31st December 1825.

I have the honour to be, &amp;c.

*Henry Chamberlain, Esq.* (Signed) ROBERT HESKETH.

## Second Enclosure in No. 42.

*Statement of the Slave Importation into the Port of Maranhm during the Year 1825.*

Date of Arrival.	Description of Vessels.	Name of Vessels.	Name of Masters.	Where from.	Number of Slaves Shipped.	Died in the Passage.	Number of Slaves Landed.	REMARKS.
1825.								
Oct. 17	Schooner	Florinda	Joze Antonio de Carvalho	Ceará	23	"	*23	* The Slaves from Ceará and Acaracú (another Port in the Province of Ceará) are for the most part Creole Slaves, who were sent here for sale, owing to the scarcity of Food in that Province.
24	Ship....	Sao Nicolao Augusto	Joao Placido da Cruz	Ditto	51	1	50	
Nov. 17	Sumaca..	Activa	Manoel Gonçalves da Costa	Acaracú	35	"	35	
25	Brig....	Concordia do Brazil	Joze da Costa Santos	Pernambuco	163	"	163	Of these, 161 were African Negroes, landed at Pernambuco, from the Ship "Imperador do Brazil," from Loanda.
Dec. 5	Schooner	Hermelinda	Joao Antonio dos Santos	Acaracú	45	"	*45	
					317	1	316	

23  
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BRAZIL.

No. 43.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Oct. 4.)

SIR,

*Rio de Janeiro, July 12, 1826.*

HAVING received private information that the Portuguese Vessel, "*Conde dos Arcos*," mentioned in my Despatch of this Series, dated 4th January of the present Year, as having been announced in a Lisbon Gazette to be about to sail from thence on the 20th November, for Rio de Janeiro, (viâ Angola, or Benguella), had taken in a full cargo of Slaves at the Port of Ambriz, and might be expected shortly to arrive here, I thought it my duty to acquaint the Minister with these facts, and to request that he would, upon her arrival, cause the Law to be enforced against her as an illicit Slave-trader.

I have the honour to annex Translations of M. de Inhambupe's first and second Replies to this Application; from the last of which it is satisfactory to gather that, upon the arrival of the Vessel "*Conde dos Arcos*," the requisite measures will be adopted towards her, after a due examination into the circumstances of the Case.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) H. CHAMBERLAIN.  
&c. &c. &c.

First Enclosure in No. 43.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

*Rio de Janeiro, June 24, 1826.*

I FEEL it to be my duty to acquaint your Excellency that a Portuguese Vessel, called the "*Conde dos Arcos*," sailed from Lisbon last November for Rio de Janeiro, viâ Angola and Benguella, and that she is daily expected to arrive at this Port with a cargo of 300 Slaves taken on board, I believe, at Ambriz.

As it is impossible that this Vessel can, under such circumstances, be provided with the Imperial Pass, requisite to authorise her being engaged in the Traffick in Slaves between Africa and Brazil, I beg to call your Excellency's attention to the fact herein stated, and to denounce this Vessel as one illegally engaged in the Slave-trade; not doubting but that, on her arrival at this Port with her contraband Cargo, the Imperial Government will cause such steps to be taken in the matter as the flagrant illegality of the proceedings demand.

I profit of the opportunity, &c. &c.

(Signed) H. CHAMBERLAIN.

*His Excellency The Viscount de Inhambupe.*

Second Enclosure in No. 43.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

*Secretary of State's Office for Foreign Affairs,*  
*June 28, 1826.*

THE Viscount de Inhambupe presents his due compliments to Mr. Henry Chamberlain, Chargé d'Affaires of His Britannick Majesty, and not being yet able to reply, suitably, to the Note which he addressed to him on the 24th of the present Month, as Explanations are required about the circumstance of

the Ship "*Conde dos Arcos*," to which it relates, and which have been requested from the Chargé d'Affaires of His Most Faithful Majesty at this Court, acquaints him, that at an opportune time he will give him the result of this affair.

The Viscount de Inhambupe does not omit this occasion to renew, &c.

*Henry Chamberlain, Esq.*

Third Enclosure in No. 43.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

*Rio de Janeiro July 10, 1826.*

THE Chargé d'Affaires of His Most Faithful Majesty, to whom I sent the Note you addressed to me, under date of the 24th of the last Month, respecting the Ship "*Conde dos Arcos*," which you state to have sailed from Lisbon in November of the last Year, destined for Angola and Benguella, to Trade for Slaves, in order to come to the Port of this Capital, has just announced to me that he is persuaded, considering the fidelity with which his Government fulfils its Agreements, that it would not give such a Clearance to the mentioned Ship, in the case of her being Portuguese property; judging, therefore, that the information which you have received, must have been less exact, because he could even assert, that it did not appear that in the said Month of November any Vessel of that denomination had sailed from Lisbon.

In communicating to you the above-mentioned, I am to say, that in case of the said Ship actually entering this Port, the requisite measures will be taken after proceeding to the due examinations.

On this occasion I renew, &c.

*Henry Chamberlain, Esq.* (Signed) VISCONDE DE INHAMBUPE.

No. 44.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Oct. 4.)

SIR,

*Rio de Janeiro July 19, 1826.*

ABOUT a Month ago I observed in the List of Sailings from this Port, that a Schooner, called the "*Arsenia*," under Brazilian Colours, had left the Harbour on the 11th June, bound to Cabinda, Molembo, *Island of Prince and Island of St. Thomas*, and I concluded, not only from her destination, but from the number of her Crew (22 Persons), that she must be bound upon a Slave-trading voyage.

After the assurance given by M. de S<sup>o</sup>. Amaro, in the commencement of the present Year, that Licences to touch at Places North of the Line, should no longer be issued by the President of Bahia, and, according to the fair construction of his Note, that they should not be granted at all, it seemed probable that the announcement of the "*Arsenia's*" destination to Princes and St. Thomas was a mistake; nevertheless, to clear up all doubts on the subject, I wrote a few lines to the Minister for Foreign Affairs, requesting to be informed, whether the "*Arsenia*" was employed in the Slave-trade, and was furnished with a Passport authorizing her to touch and trade at the Places mentioned in the Sailing List.

His Excellency acknowledged the receipt of my Letter, and promised to answer it as soon as he had obtained the requisite information from the Department of Marine.

On the 14th instant, I received the enclosed Answer, signifying, to my utter astonishment, that the "*Arsenia*" had permission to touch and trade at

all the Places mentioned in the List of Sailings, and that, moreover, the Government had resolved, in compliance with the "well founded representations of various Brazilian Slave-Merchants," to issue Licences allowing Slave-vessels to touch at Places North of the Line.

If the clearest and most convincing proofs had not been adduced, that such Licences have been obtained with sinister views, and used fraudulently, it might be pretended that there exists nothing beyond a mere suspicion of their being obtained for fraudulent purposes.

But how M. de Inhambupe can hazard this opinion with those Documents before him, with which this Government has been furnished, proving numerous instances of fraudulent uses of these Licences, is scarcely more extraordinary than his argument, that, because in the Treaty between Portugal and Brazil, of the 29th August 1825, there is no prohibition against Brazilian Subjects touching at those Islands, Brazilian Ships, (and these Slave-ships), have a right to touch there, notwithstanding the clear and express prohibition contained in the existing Treaty and Convention with Great Britain for the restriction of the Slave-trade.

Under these circumstances, and persuaded that a fresh appeal to the Government at this moment, founded upon any or all of the arguments or reasons formerly brought forward, would be of no avail, I have felt it to be incumbent upon me to send an Answer to M. de Inhambupe's Note, containing a formal Protest, in the name of His Majesty's Government, against the granting of the Licences in question, as a clear and direct breach of the Treaty of Vienna, and of the Additional Convention of London.

It will not escape you, Sir, that M. de Inhambupe distinctly states, that this Treaty and Convention afford the means for preventing any abuse of these Licences.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) H. CHAMBERLAIN.  
&c. &c. &c.

First Enclosure in No. 44.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

*Rio de Janeiro, June 20, 1826.*

IN the List of Sailings from this Port, published in all the Diarios of this City, I observe the departure, on the 11th of June, of the Brazilian Schooner "*Arsenia*," Francisco Roiz. Carneiro, Master, bound to Cabinda, Molembo, Island of Princes and Island of St. Thomas, and from the number of her Crew (22 Persons) I conclude she must be bound on a Slave-trading Voyage.

I shall feel particularly obliged by your Excellency's taking the trouble to let me know, whether this Schooner is employed in the Slave-trade, and has been furnished with a Passport, authorising her to touch and trade at the several Places mentioned in the Sailing List herein referred to.

I beg to renew, &c.

(Signed)

H. CHAMBERLAIN.

*His Excellency the Viscount de Inhambupe.*

Second Enclosure in No. 44.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

SIR,

*Rio de Janeiro, July 13, 1826.*

HAVING already acknowledged the receipt of your Note, under date of the 20th of last Month, desiring to know if a Passport had been given to the Schooner "*Arsenia*," to touch at the Islands of St. Thomas and Princes; I am now to acquaint you, that, according to what the Minister and Secretary of State for the Affairs of Marine has communicated, that Passport was actually given.

On this subject I must, however, inform you, that although the Government of His Majesty The Emperor, yielding to your wishes, did order those Licences to be prohibited, under the date of the 4th of January of the present Year, as was that day actually ordered to the President of the Province of Bahia; nevertheless, there having subsequently come up to the Imperial Presence, very well-founded Representations from various Brazilian Merchants, requesting the continuation of the said Licences, the Government of His Imperial Majesty has been pleased benignly to grant this Supplication, not only because they have judged that there would not be any inconvenience in this concession, inasmuch, if they should abuse the said Licences, as you apprehend, the remedy in this respect is to be found given in the Treaty made in Vienna on the 22d January 1815, and in the Additional Convention to the same Treaty of the 28th July 1817; but also because, those Islands belonging to Portugal, there is not any prohibition in the Treaty made between Brazil and the said Kingdom, on the 29th of August of last Year, for the Subjects of His Imperial Majesty to touch there; and therefore it would be unjust and indecorous that the Imperial Government itself should be the first to make such a prohibition, merely upon suspicion of a contraband Trade, which it is not to be supposed they will attempt, from the certainty that they will be punished with the utmost rigour of the Law. Moreover, that His Majesty The Emperor, far from desiring to encourage the Traffick in Slaves, quite on the contrary, desires to repress it as much as possible, and he would certainly have abolished it already, did not the actual circumstances of Brazil render this measure very pernicious to her Agriculture.

On this occasion I renew, &c.

(Signed) VISCONDE DE INHAMBUPE.

Henry Chamberlain, Esq.

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Third Enclosure in No. 44.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

*Rio de Janeiro, July 18, 1826.*

I SHALL not fail to communicate to my Government, by the earliest opportunity, your Excellency's Office of the 13th instant, in reply to my Letter of the 20th ultimo, requesting to be informed whether the Brazilian Schooner "*Arsenia*," which had cleared out from this Port for Molembo, and the Islands of St. Thomas and Princes, had really received permission to touch at these Islands.

Your Excellency acquaints me, that the "*Arsenia*" had this permission, and that Licences authorising Slave-vessels to touch at Places North of the Line, will continue to be granted.

It is in my power to assure your Excellency, that the British Government hailed with the sincerest satisfaction the assurance contained in the Office of his Excellency the Viscount de S<sup>o</sup>. Amaro, then Secretary of State for Foreign Affairs, dated the 4th of January last, that the Imperial Brazilian Government had directed that no more Licences should be granted, authorising Slave-vessels to touch at Places North of the Line.

That Resolution was in direct conformity with the clear sense, nay with the very words, of the existing Treaty and Convention for putting down the illicit Slave-trade; but since it has given way (after the short lapse of only 6 Months) before the interested Representations of the Slave Merchants, whose illicit and fraudulent Commerce it shackled and repressed, it is hopeless to expect success from the repetition of an Appeal, founded upon the Stipulations or the faith of Treaty.

I shall, therefore, leave to my Government to express, in the terms they may think fit, the disappointment they will naturally feel when they learn

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this change of conduct and principle on the part of His Imperial Brazilian Majesty's Government: a change which plainly indicates that the Representations of private Individuals are held by this Government to be paramount to the Engagements of Treaty.

But I cannot hesitate, respecting the course it behoves me to take upon the announcement of this determination, nor delay to protest against it in the strongest and most solemn manner, on the part of my Government, as a clear and direct breach of the Treaty of Vienna of the 22d January 1815, and the Additional Convention of London of the 28th July 1817.

The argument which your Excellency employs, founded upon the Treaty between Portugal and Brazil, I humbly consider not to be applicable to an infringement of a Treaty and Convention no wise connected therewith; but I refrain from troubling your Excellency with any further remark on the subject.

I have the honour to be, &c.

(Signed)

H. CHAMBERLAIN.

*His Excellency the Viscount de Inhambupe.*

No. 45.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*

*(Received Oct. 4.)*

SIR,

*Rio de Janeiro, July 21, 1826.*

HAVING discovered that a Brig, called the "*Primoroso Divino*," which lately arrived in this Port with a Cargo of 472 Slaves from Angola, 18 having died during the voyage, is the property of a Portuguese Merchant, residing at Angola, to whom also belongs the greater part of the Negroes; I lost no time in laying these circumstances before the Government, with the view of inducing them to take legal measures against her, in the event of her not being duly authorised to carry on the Trade.

I have no doubt of her real character.

It would have been more satisfactory, had the Minister's Answer contained a promise that the "*Primoroso Divino*" should be legally proceeded against, in the event of its turning out that she is not duly licensed to carry on the Slave-trade.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
 &c.                      &c.                      &c.

(Signed) H. CHAMBERLAIN.

First Enclosure in No. 45.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

*Rio de Janeiro, July 17, 1826.*

HAVING full confidence in the constantly repeated assurances of the Imperial Brazilian Government, that Persons concerned in the contraband Slave-trade shall be punished with all the rigour of the Law, which are again renewed in your Excellency's Office of the 13th instant, with the additional most satisfactory declaration, that His Imperial Majesty desires to repress the Trade as much as possible, I hasten to communicate to your Excellency that a Slave-vessel, lately arrived in this Harbour, has been denounced to me as illegally engaged in this Traffick.

This Vessel is called the "*Primoroso Divino*"; she arrived from Angola on the 11th instant, with 472 slaves, 18 having died during the passage, consigned to the Merchant Joaquim Ferreira dos Santos. It is to be remarked, that in the List of Maritime Arrivals her Nation is not mentioned.



After very careful enquiry, I can find no trace of this Vessel having cleared from this Port, although this might be readily ascertained, through the Ministry of Marine, where the Registry of her Passport, and her Licence, will of course be found, if she was furnished with them, as she ought to have been, to enable her legally to engage in the Trade.

My information, however, goes to the fact, that this Vessel is owned, and the greater part of the Cargo also owned, by a Portuguese resident in the Portuguese Colony of Angola.

I lay this information before your Excellency, under the conviction, that the necessary enquiries will be made, and steps taken to enforce the Law against the "Primorozo Divino" her Cargo and Crew, in the event of its appearing that she is not legally authorized to carry on this Trade.

I beg to renew, &c.

(Signed) H. CHAMBERLAIN.

*His Excellency the Vicount de Inhambupe.*

Second Enclosure in No. 45.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

SIR,

*Rio de Janeiro, July 20, 1826.*

ACKNOWLEDGING the Office that you addressed to me, under date of the 17th of the present Month, relative to the Ship "*Primorozo Divino*," that has just arrived from Angola with a Cargo of Slaves, which is said to be illicitly made, I have to acquaint you, that a Copy of your said Office has been transmitted to the Ministry of Marine, in order that I may receive the necessary explanations to be able to reply suitably to you.

And on this occasion I renew, &c.

(Signed) VISCONDE DE INHAMBUPE.

*Henry Chamberlain, Esq.*

#### No. 46.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Oct. 4.)

SIR,

*Rio de Janeiro, August 1, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch of this Series, dated the 14th of June of the present Year, upon the subject of the detention of the Slave Schooner "*Amizade de Santos*" by the Transport "*Thetis*," and instructing me, under the particular circumstances of the Case, not to remonstrate further on the irregularities discovered in consequence of the detention of that Schooner.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) H. CHAMBERLAIN.

#### No. 47.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Oct. 4.)

SIR,

*Rio de Janeiro, August 2, 1826.*

IN consequence of information, transmitted by His Majesty's Consul at Maranhão, that fictitious Passports had been granted, authorizing 2 Schooners, the "*Donna Maria Felicia*" and the "*Amizade*," to proceed from thence on Slave-trading voyages, no such Schooners being in that Port; I shortly

stated to M. Inhambupe these facts, in the words they had been stated to me, leaving to him to take such measures, with respect to the Vessels which might sail with these Documents, as the execution of the existing Treaty, and the enforcement of the Law, should authorize.

I also requested that Orders might be issued to the Local Authorities at Maranham, not to grant Passports for Slave-vessels, unless these actually clear out from that Port, and observe all the forms required by Law and Treaty.

I have the honour to enclose a Translation of the Minister's Answer, signifying, that the President of that Province has been written to for his Report upon the circumstances stated in my Representation.

Nine Months will probably elapse before that Report is received, so that the Schooners will have concluded their speculations before any Order respecting them can reach Maranham.

As the Answer mis-states part of the contents of my Letter to M. de Inhambupe, I have pointed out the error into which he had fallen, and which is corrected in his Excellency's Reply.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) H. CHAMBERLAIN.  
&c. &c. &c.

First Enclosure in No. 47.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

*Rio de Janeiro, July 15, 1826.*

BY information received from Maranham, it appears that the Acting President of that Province, his Excellency S<sup>r</sup>. Manoel Telles da Silva Lobo, granted, on the 4th of July last Year, a Passport for a Brazilian Schooner, called the "*Donna Maria Felicia*," of 120 tons measurement, Jose Dias de Carvalho, Master, and Sebastiao Pinto, Owner, to proceed from Maranham to the Ports of Molembo, Cabinda, Zayre, and Ambar, (probably Ambriz,) on the Coast of Africa, and to return to Maranham with 300 Slaves. And that his Excellency S<sup>r</sup>. Patricia Joze d'Almeida e Silva, Vice President of that Province, granted on the 13th of August, a Passport for another Brazilian Schooner, called the "*Amizade*," of 200 tons measurement, Manoel Joaquim dos Santos Master, and Manoel Francisco da Silva, Owner, to proceed from Maranham to the same Ports on the Coast of Africa, and to return to Maranham with 500 Slaves. Each of these Passports was numbered One.

So far there appears nothing unusual or improper. But what opinion will your Excellency form of both Transactions, as affecting respectively the Governor and Vice Governor, when your Excellency learns, that neither of the Schooners mentioned in the Passports were at Maranham at the time; that no such Vessels had ever been known to be there, or even to be in existence; and that the Passports were procured by Sebastiao Pinto, and Manoel Francisco da Silva, (the former a Resident in Lisbon,) notoriously for the purpose of being sent to other Ports, where Vessels answering to the measurement could be purchased and fitted out for the voyage. Such, M. le Vicomte, is the Statement transmitted to me as a correct relation of the facts. And I send your Excellency an Extract of that part of His Britannick Majesty's Consul's Letter which relates them.

I feel that His Imperial Majesty's Government, whose desire to keep this wretched Traffick strictly within the limits and regulations established by Treaty and by Law, has been so repeatedly expressed, cannot fail to see, in both these Cases, manifest infractions of the latter, which makes it requisite for every Brazilian Vessel, bound upon a Slaving-voyage to the Coast of Africa, to go through certain forms before she is allowed to sail; and that

her Passport should bear upon its face a Certificate, that she has duly complied therewith.

What steps it may be proper to take, with respect to these two Vessels, I leave entirely to the decision of your Excellency, after denouncing them as not having conformed to the Stipulation of the existing Treaty, and therefore acting in violation of the Law. But I cannot forbear soliciting, in the most urgent manner, that no time may be lost in prohibiting the President, or other Local Authority at Maranhão, competent to grant such Passports, to issue Passports for Slave-trading-voyages, unless the Vessel, her Master and Crew, actually clear out from that Port, and go through all the Forms required by Law and Treaty.

I beg your Excellency to accept the assurance, &c.

(Signed)

H. CHAMBERLAIN.

*His Excellency the Viscount de Inhambupe.*

Second Enclosure in No. 47.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

Sir,

*Rio de Janeiro July 27, 1826.*

I ACKNOWLEDGE the receipt of the Note that you addressed to me, under date of the 15th instant, in which you complain of there having been given, in the Province of Maranhão, two Passports, for Ships not existing there, whose Proprietors are Portuguese residing in Lisbon, to go and engage in the Slave-trade; and I have to acquaint you that, under this day's date, it has been ordered, that the President of that Province do report whatever may be known in this respect, taking upon myself the charge of replying to you, categorically, in due time on this subject.

On this occasion I renew to you, &c.

(Signed)

VISCONDE DE INHAMBUPE.

*Henry Chamberlain, Esq.*

Third Enclosure in No. 47.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

*Rio de Janeiro, July 28, 1826.*

I LOSE not a moment in setting to rights a misconception of a statement in my Letter to your Excellency of the 15th instant, respecting Passports granted by the President and Vice-President of the Province of Maranhão to two Vessels to undertake Slave-voyages.

Your Excellency's Note of yesterday, this moment received, after acknowledging the receipt, and mentioning the date of my Letter, states, "that I complain of there having been given, in the Province of Maranhão, two Passports for Ships not existing there, whose Proprietors are Portuguese, residing in Lisbon, to go and engage in the Slave-trade."

Your Excellency will permit me to explain, that my complaint, instead of this, was, that two Licences had been given to two Schooners not at Maranhão, nor even known to be in existence any where, although four Persons described themselves as Owners and Masters (which your Excellency must at once perceive could not be true), and that one of the Persons, described as an Owner, was actually a Resident in Lisbon.

I request your Excellency once more to accept, &c.

(Signed)

H. CHAMBERLAIN.

*His Excellency the Viscount de Inhambupe,*

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Fourth Enclosure in No. 47.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

SIR,

*Rio de Janeiro, July 31, 1826.*

IN reply to the Note that you addressed to me, on the 28th of the present Month, relative to the mistake in the Answer given to your other previous Note, respecting the fact of the two Licences, which you say had been granted at Maranhão to two Schooners not existing there, one of the so called Owners of the said Schooners being a Resident in Lisbon, I have to assure you, that, in conformity with the first Note, the President of that Province has been ordered to be heard on this subject, to the end that His Imperial Majesty may determine what may be just.

On this occasion I renew, &c.

(Signed)

VISCONDE DE INHAMBUPE.

*Henry Chamberlain, Esq.*

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No. 48.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Oct. 4.)

SIR,

*Rio de Janeiro, August 4, 1826.*

I HAVE the honour to transmit a Translation of the Minister's Answer, respecting the Slave-vessel "*Primoroso Divino*."

I have written to Mr. Vice-Consul Smith, at Pernambuco, to obtain and send me a Copy of the Passport, stated to have been given to her at that Port; or, in default of that, all the particulars of date, ownership, &c. &c.

The information I have received respecting this Vessel is precise, and satisfies me that she and the greater part of her Cargo are the property of a Portuguese Resident at Angola.

Unless some means are found to check the carrying on the Trade from Portuguese Ports South of the Line, with Portuguese Ships, Seamen and Capital, we shall, I fear, see it sadly increase. For the conduct of this Government shows but too plainly their unwillingness to enforce the Law against Contraband Traders, and that Vessels may, under any circumstances, safely enter and discharge their Slave Cargoes.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed)

H. CHAMBERLAIN.

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Enclosure in No. 48.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

SIR,

*Rio de Janeiro, August 3, 1826.*

IN addition to my Note of the 20th of the last Month, acknowledging the receipt of the one which you sent to me, respecting the Ship "*Primoroso Divino*," I have to acquaint you, that, from the Examinations ordered to be made by the Minister of Marine, it is known that the said Ship was cleared out at Pernambuco, to proceed to Trade for Slaves in the licit Ports of Africa, there being given to her for this purpose the competent Passport, wherein it is declared that the Proprietor and the Master are Subjects of this Empire.

Thus satisfying the enquiry made by you, I profit of the occasion to renew, &c.

(Signed)

VISCONDE DE INHAMBUPE.

*Henry Chamberlain, Esq.*

## No. 49.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Nov. 28.)

SIR,

Rio de Janeiro, September 2, 1826.

I FEEL it to be my duty to report to you, that 2 British Vessels have lately arrived in this Port, bringing Slaves from other Parts of Brazil, viz:—

The Schooner "*Emilia*" (of Halifax) Peter Edwards, Master, from Bahia, with 27. The Brig, "*General Brock*," of Liverpool, Henry Eden, Master, from Pernambuco, with 21.

As the "*Emilia*" had sailed on her return to Bahia before I was aware that she had brought any Slaves, I cannot say, whether these were Domesticks; but Mr. Eden, the Master of the "*General Brock*," has stated to me, that those which came in his Vessel were so, and waited upon their Masters during the voyage.

The "*Emilia*" having returned to Bahia, I have directed Mr. Consul Pennell to enquire into the circumstances of her Case, and to report the result for your information.

Upon the Master of the "*General Brock*" being called before me, to explain how he came to receive and convey Slaves on board his Ship; he declared his ignorance of its being unlawful, and his regret at having unknowingly erred. And he added, as an extenuation of his conduct, that previously to his agreeing to receive them on board at Pernambuco, he had enquired of Mr. Vice-Consul Smith, whether there was any impediment to his doing so; and was told that there was none; and that he certainly would not have allowed the Slaves to come in his Vessel, had the Vice-Consul warned him against it.

This Statement of Mr. Eden is so much at variance with what it was Mr. Smith's duty to have done, in conformity with the contents of the "Circular" addressed by me to all His Majesty's Consuls in the Brazil, in the Month of August 1825, (the receipt of which was duly acknowledged by Mr. Consul Parkinson, in the Month of September following,) that I cannot but apprehend there has been some misunderstanding. And I have written to Mr. Vice-Consul Smith accordingly, directing him to forward direct to the Foreign Office, for your information, his Report of what passed when Mr. Eden applied to him for his advice on the subject.

The last Enclosure contains a Statement of the several Owner's names, and number of Slaves belonging to each, respectively, as they have appeared in the Shipping List published in the *Diario Fluminense*.

I have, &amp;c.

*The Right Hon. George Canning,* (Signed) H. CHAMBERLAIN.  
&c. &c. &c.

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First Enclosure in No. 49.

*Mr. Consul-General Chamberlain to Mr. Consul Pennell.*

SIR,

Rio de Janeiro, August 26, 1826.

THE British Schooner "*Emilia*," Peter Edwards, Master, arrived here from Bahia on the 20th instant, having on board 27 Slaves, belonging to various Persons, Passengers by her, as is stated in the List of Arrivals published in the enclosed Newspaper, the "*Diario Fluminense*," No. 44, dated 23d August.

It is only since her departure that I have become acquainted with these circumstances, or I should have taken some steps in the matter whilst the Vessel was here. She sailed from hence for Bahia on the 24th instant, and

I have to request that you will, in the event of her being still there, apprise her Master, that he has committed an infraction of the Laws for the abolition of the Slave-trade, and thereby made himself liable to the pains and penalties attendant thereupon. You will be so good as to send a Report of the result of your Enquiries on this subject, to His Majesty's Government and to me.

I have, &c.  
*William Pennell, Esq.* (Signed) H. CHAMBERLAIN.

Second Enclosure in No. 49.

*Mr. Consul-General Chamberlain to Mr. Vice Consul Smith.*

SIR,

*Rio de Janeiro, September 2, 1826.*

THE British Brig, "*General Brock*," arrived a few days ago at this Port from Pernambuco, bringing various Brazilian Passengers, and 21 Slaves, declared to belong to them. As soon as these facts came to my knowledge, I called her Master, Henry Eden, before me, and learnt from his own mouth that they were true.

Upon questioning him further, he stated, in extenuation of what he had done, that, previous to his undertaking to receive these Slaves on board, he had enquired of His Majesty's Vice-Consul at Pernambuco, whether there was any impediment to his doing so; and was informed by him, that he knew of none, and supposed he was at full liberty to take the Slaves, as well as their Masters.

This sanction for their being received on board the "*General Brock*," is so directly at variance with the contents of my Circular Despatch, dated the 8th of August 1825 (to which I refer you), the receipt whereof was acknowledged by Mr. Parkinson, in his Despatch, dated the 11th of September following, that I cannot but presume that there must have been some misunderstanding on the part of Mr. Eden.

I shall, however, as is my duty, transmit to His Majesty's Secretary of State an account of the circumstances of this transaction, such as they have been represented to me, and I recommend to you to forward, without delay, to the Foreign Office, whatever explanation you may have to give upon the subject, transmitting a Copy here for my information.

The warning to Masters of British Vessels not to receive Slaves on board, communicated to His Majesty's Consulate at Pernambuco, in the Circular Despatch before-mentioned, has been publicly affixed in the Vice-Consul's Office in this City, ever since the receipt of Mr. Canning's Instruction, desiring that it should be given. Mr. Eden states, that no such notice is affixed in the Consular-Office at Pernambuco.

I have, &c.  
*Mr. Vice-Consul Smith.* (Signed) H. CHAMBERLAIN.

Third Enclosure in No. 49.

STATEMENT of SLAVES brought from Bahia to Rio de Janeiro, in the British Schooner "*Emilia*," of Halifax, Peter Edwards, Master, with the Names of their Owners, Passengers in the same Vessel.

18	Slaves	belonging to	S <sup>r</sup> . Man <sup>l</sup> . do Nascimento de Castro e Silva.
5	do.	do.	„ Man <sup>l</sup> . Gomez da Fonseca.
4	do.	do.	„ Thomas Xavier Garcia d'Almeida.

And in the British Brig "*General Brock*," of Liverpool, Henry Edm, Master, from Pernambuco to Rio de Janeiro :—

4	Slaves belonging to	S <sup>nr</sup> .	Antonio Maciel Monteiro.
9	do.	do.	„ Caetano Xavier Pereira.
5	do.	do.	„ Francisco Joze de Faria Barboza.
3	do.	do.	„ Joze de Miranda.

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Rio de Janeiro, Sept. 2, 1826.

(Signed)

H. CHAMBERLAIN.

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No. 50.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Nov. 28.)

(Extract.)

Rio de Janeiro, September 9, 1826.

I HAVE lately received from Mr. Consul Hesketh, Copies of the Despatches, and their Enclosures, which he addressed to you, Sir, on the 5th and 15th of July, respecting the arrival, at Maranham, of a Portuguese Slave-vessel, the "*Nove de Março*," said to be from Cabinda, but suspected to have come from Cacheu, and the permission granted by the Local Authorities of that Province for landing the Slaves she brought, and their being cleared through the Custom-House, upon payment of the usual Duties.

It is to be remarked, that the Passport under which the "*Nove de Março*" ventured to bring a Cargo of Slaves to Maranham, as she says, from Cabinda, but no doubt really from Cacheu, does not authorise her to do any such thing. It merely allows her to sail from St. Jago for Cabinda, and thence to Maranham, and back to St. Jago, without saying a syllable on the subject of Cargo, which makes the conduct of the Authorities at Maranham, in allowing her Cargo of Slaves to be landed and sold, the more extraordinary, because they must know that she had no right to import Slaves, and that she was an illicit Trader.

The 3d and 4th Sections of the 1st Article of the Additional Convention of London, apply precisely to the Case of the "*Nove de Março*," and now entirely prohibit Portuguese Vessels from supplying Brazil with Slaves. But the President of Maranham has probably chosen to consider the 4th Article of that Instrument as still sufficiently authorising Portuguese Ships and Subjects to import Slaves into Brazil; and has evidently not thought it necessary to enquire, whether the "*Nove de Março*" was supplied with the Documents which the 5th Article declares to be essentially requisite for carrying on the Trade.

I have, consequently, called the Minister's attention to this Case, and renewed the urgent request lately made, for the issue of positive Orders to the President of Maranham not to allow, under any pretext whatever, the importation of Slaves into that Port, unless in Vessels duly qualified by the Brazilian Authorities, and having in all respects conformed to the Stipulations of the existing Treaty.

(Signed)

HENRY CHAMBERLAIN.

*The Right Hon. George Canning,*

&c.

&c.

&c.

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Enclosure in No. 50.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

Rio de Janeiro, September 9, 1826.

IT is my duty to make known to your Excellency, that, by Accounts received here from Maranham, it appears that his Excellency the President of

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that Province has admitted to entry the Portuguese Schooner "*Nove de Março*," belonging to the Villa da Praya, in the Island of St. Jago, having a Cargo of 86 Slaves on board, said to have been received at Cabinda: but, as there is great reason to believe, actually taken in at Cacheu; which cargo was admitted to dispatch in the Custom-House, as if it had been legally imported, and all the forms prescribed by the existing Treaty, had been observed.

The Passport presented by the "*Nove de Março*," authorizing her to proceed to Cabinda, and thence to Maranham, and back to the Island of St. Jago, (but which it is to be remarked does not say a word about carrying *Slaves*;) is issued by Colonel Chapuzet, the Governor-General of the Portuguese Province of Cabo Verde; and bears date at Villa da Praya on the 24th November 1825. It wants all the essential formalities required by the existing Treaty and Convention for the suppression of the illicit Slave-trade; and even, if it possessed them, it is not competent to the Governor of a Portuguese Colony to authorize any Vessel under Portuguese Colours to carry on the Trade, or supply Brazil, a Foreign Country, with Slaves.

I have the honour to enclose a Copy of this Passport for your Excellency's inspection, at the same time soliciting your Excellency to be pleased to order an Enquiry to be made into the whole circumstances of the Case; to the end, that, if these do not, as it scarcely seems possible they can, bear out the Local Authorities at Maranham, in admitting the Vessel and her Cargo to entry and dispatch, due notice may be taken thereof by His Imperial Majesty's Government.

And I beg leave, (in consequence of the late arrivals of Portuguese Slave-vessels at that Port, and the occurrences connected therewith, that have happened there) to renew the urgent request lately made to your Excellency, for issuing positive Orders to the President of Maranham, not to allow, under any pretext whatever, the importation of Slaves into that Port; unless by Vessels, shewing that they are duly qualified to engage in the Traffick, by Brazilian Authorities, and a strict observation of the forms required by the Stipulations of the existing Treaty.

I beg to renew, &c.

(Signed) H. CHAMBERLAIN.

*His Excellency the Viscount de Inhambupe,*

No. 51.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Nov. 28.)

SIR,

*Rio de Janeiro, September 11, 1826.*

I HAVE the honour to forward, herewith, two Returns lately received from Mr. Consul Pennell, at Bahia, shewing the number of Slaves imported into, and exported from, that Port, from the 1st of January to the 30th of June, of the present Year.

Since the date of these Returns, a Vessel, called the "*Maria da Gloria*," arrived at Bahia (on the 29th of July,) from Lisbon, *via* Molembo, bringing 532 Slaves.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) H. CHAMBERLAIN.  
&c. &c. &c.



## First Enclosure in No. 51

*Return of the Number of Slaves imported into Bahia from January 1, to June 30, 1826.*

Date of Arrival.	Name of Vessel.	Whence.	Number of Slaves.			Nation.
			Embarked.	Died.	Landed.	
1826.						
January	9 San Benedito - - -	Ambris - -	"	"	577	Brazil.
"	15 Carlotta - - -	Molembo - -	"	"	358	Do.
"	21 Diana - - -	Pernambuco -	"	"	8	France.
February	13 Ira Rosalia - - -	Molembo - -	"	"	406	Brazil.
"	16 Na Snra do Monte do Carmo	Angola - -	"	"	195	Do.
"	23 Bom Fim - - -	Ambris - -	"	"	416	Do.
March	2 S. Joze Triunfo - - -	Pernambuco -	"	"	30	Do.
"	11 Henriquett - - -	Molembo - -	"	"	441	Do.
"	15 Ira Estrella - - -	Do. - -	"	"	204	Do.
April	23 S. Joao Voador - - -	Do. - -	"	"	124	Do.
May	1 Santa Rita - - -	Pernambuco -	"	"	25	Do.
"	8 Bom Successo - - -	Molembo - -	"	"	197	Do.
June	6 Tentadora - - -	Do. - -	"	"	446	Do.
"	27 Carlotta - - -	Do. - -	"	"	358	Do.
"	28 Nova Virgem - - -	Do. - -	"	"	305	Do.
Total Number of Slaves - - -					4090	

(Signed) W. PENNELL.

## Second Enclosure in No. 51.

*Return of the Number of Slaves exported from Bahia, from January 1 to June 30, 1826.*

When Sailed.	Name of Vessel.	Where Bound.	Number of Slaves.	Nation.
1826.				
May 18	Santa Efigenia - - -	Rio de Janeiro	260	Brazil.

(Signed) W. PENNELL.

## No. 52.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—  
(Received Dec. 15.)*

(Extract.)

*Rio de Janeiro, September 24, 1826.*

BESIDES the representation which I felt it to be indispensable to make to the Brazilian Government, upon the arrival of the Portuguese Slave-vessel "*Orfeo*," which forms the subject of the accompanying Despatch, I also considered it advisable to communicate with the Portuguese Chargé d'Affaires, as to the information he might possess respecting her, and more especially the nature of the Documents under which she had engaged in the Slave-trade with this Country.

With this view I addressed to M. Pereira, on the 12th instant, a Letter, of which the enclosed is a Copy, stating my doubts that the "*Orfeo*" could be provided with the Documents required by the Stipulations of the Additional Convention of London, as necessary to authorize her to engage in the

Slave-trade with Brazil, and expressing, in the frankest manner, my expectation to receive his co-operation in putting down, at once, so illicit a Trade.

His Answer, of which a Translation is annexed, informed me, that not only the Vessel was Portuguese built, owned, and navigated, and her voyage on Portuguese account, but, what I confess very much surprised me, that she had a Passport in due form, issued previous to the Ratification by His Most Faithful Majesty of the Treaty of Independence, at a time when the present Empire of Brazil was a Trans-Atlantick Possession of the Crown of Portugal; and that, consequently, she was engaged in a licit Traffick.

It struck me as very extraordinary that the Portuguese Government should grant, and any Portuguese Merchant risk his Ship and Property under, a Passport authorizing a Vessel to trade with the Trans-Atlantick Dominions of Portugal, when it was well known that the Cruizers of the Government of these Dominions then become *de facto* Independent, captured every Vessel under the Portuguese Flag which they met with at Sea; and that the Government itself seized and sequestered all those that ventured into Brazilian Harbours; and the more I considered the matter, the less likely it seemed to me to be a real bonâ-fide transaction.

I therefore addressed M. Pereira a second time, requesting him to have the kindness to furnish me, if he saw no objection, with information respecting the dates of the "Orfeo's" Documents, and of her departure from Lisbon; and I took care to point out to him that the Portuguese dominion over Brazil, so far as regarded Portugal, ceased, legally, from the date of the Royal Diploma of His Most Faithful Majesty, which had been recognized by both Countries (in the Preamble to the Treaty of the 29th of August), as the epoch of the Separation and Independence of the two States. Wherefore, in my opinion, Portugal had no right to supply Brazil with Slaves after the date of that Diploma; from whence it would follow, as a matter of course, that, unless the "Orfeo's" Documents were dated before that period, her voyage must be considered illegal.

Unless, indeed, the above Interpretation of the effect of that Diploma be the right one, it is difficult to conceive why it ever appeared before the Publick as the basis for negotiating the Treaty of Independence.

This view of the subject called forth the Rejoinder, of which I enclose a Translation, whose contents did not, however, induce me to continue my Correspondence.

M. Pereira states, that the Passport for the "Orfeo" is dated the 14th of November 1825, the Document from the Board of Trade being dated the 25th of that Month, and that both these had been renewed, as is declared by the Secretary of State's Office, although the reason for the renewal is not stated, nor even hinted at.

The Treaty of Separation and Independence, signed at Rio on the 29th of August 1825, arrived in Lisbon on the 9th of November, and no Inhabitant of that City, certainly none of the Ministers, could well be ignorant that His late Most Faithful Majesty had resolved, before the 14th, to accept and confirm that Treaty.

There is therefore this cogent reason, in addition to that drawn from the date of the Certificate of the Chamber of Commerce, for concluding, that the Minister did not sign the Passport of the "Orfeo" on the 14th of November.

By the Stipulation of the Additional Convention, regulating the form of the Passport, the very form of the Passport itself requires, that the Owners shall have previously taken Oath that no Foreigners have any interest in the Vessel or Cargo.

Now, in this Case, the Oath was taken on the 24th of November (10 days after the simulated date of the Passport), and the Certificate is dated the next day, the 25th of November, and is attached under the Official Seal of the Marine to the Passport signed by the Minister.

A Certificate, granted by the Chamber of Commerce on the 25th, attached to a Passport of the Minister of Marine, dated the 14th of the same Month,

which Passport is declared to have been granted in consequence of that Certificate having been *previously* produced! and then, to justify the lateness of the date, there is a Memorandum, in the hand-writing of the Clerk, that the Papers had been renewed.

The date of the sailing of the "Orfeo" from Lisbon is not known, but it cannot have been earlier than the 26th of November; and I have reason to believe that she sailed in December, at which time Brazil was no longer a Trans-Atlantick Possession of Portugal, (whatever may have been the precise period at which it ceased to be so), and her voyage, therefore, from its very beginning, a violation of the Additional Convention of London of 1817.

(Signed) H. CHAMBERLAIN.

*The Right Hon. George Canning,*  
&c. &c. &c.

First Enclosure in No. 52.

*Mr. Consul-General Chamberlain to the Portuguese Chargé d'Affaires.*

M. LE COMMANDEUR,

*Rio de Janeiro, September 12, 1826.*

THERE arrived in this Port yesterday Afternoon, a large Ship, under Portuguese Colours, bringing a Cargo of Slaves, and, by the Newspapers of this Morning, it appears that she is called the "Orfeo," and comes from the Port of Ambriz, where she loaded 719 Africans, of which 11 died during the voyage. She is consigned to the Merchant João Alves da Silva Porto.

In stating these circumstances to you, M. le Commandeur, I frankly confess that the object I have in view is to obtain your powerful co-operation towards nipping in the bud, and at once, the illicit employment of Portuguese Vessels in furnishing Brazil (now a Foreign State *quoad* Portugal) with Slaves; and I found my application to you upon Article 1, Sec. 4, of the Additional Convention of London, which expressly declares illicit any Traffick in Slaves, by Portuguese Vessels bound for any Port not in the Dominions of His Most Faithful Majesty.

In addition to this quite-sufficient reason for considering the Parties interested in this Slave-carrying of the "Orfeo," as illicit Traders, I take the liberty to refer you to the 4th Article of the said Convention, making it imperative for Vessels, authorised to carry on the Slave-trade, to be provided with the particular Passport, the model whereof is annexed to, and forms an integral part of, the said Convention. And I solicit you to be pleased to take the trouble to ascertain whether the "Orfeo" is provided therewith; which appears to me hardly credible, considering the good faith with which the Government of Portugal observes the Stipulations of Treaties.

Should it turn out that this doubt is well founded, I confidently trust to your taking such measures as the case warrants; and as will teach these illicit Adventurers in a Trade that is forbidden, what they may expect when they dare to set at defiance the solemn Engagements of their Sovereign, which they are bound to respect.

I have much pleasure, &c.

*M. Carlos Mathias Pereira.*

(Signed) H. CHAMBERLAIN.

Second Enclosure in No. 52.

(Translation.)

*The Portuguese Chargé d'Affaires to Mr. Consul-General Chamberlain.*

*Portuguese Legation, in Rio de Janeiro,  
September, 14, 1826.*

MOST ILLUSTRIOUS SIR,

BY your Letter, dated the 12th instant, you were pleased to state:—

First,—The Arrival of the Ship "Orfeo" under the Portuguese Flag, with a Cargo of Slaves from Ambriz.

Second,—Your desire that I would co-operate in putting an end to the illicit employment of Portuguese Vessels in furnishing Brazil (now a State independent of Portugal) with Slaves; founding your request on Art. 1, Sect. 4, of the Additional Convention of London.

Thirdly,—Your desire to know if the “Orfeo” came provided with the competent Passport, according to the 4th Article of the said Convention; which you doubt; confiding in the good faith of the Portuguese Government; and

Fourthly,—If this Ship be not competently provided with such Passports, your hope that I will take such measures as may teach these illicit Adventurers in a Traffick that is prohibited, what they are to expect when they dare to act contrary to the Engagements of their Sovereign.

Commencing my Answer upon your last Proposition, I have the honour to state, that you may be certain I shall always take, at any epoch, and also as far as in my power, all possible measures to cause entire obedience to, and observance of, the Orders and Engagements of my August Master.

To your 3d request, you will permit me to assure you, that, on inspecting the Passports (to-day, in this Legation,) of the said Ship “Orfeo,” of which Luis Antonio de Guimaraes is Master, it is proved that this Vessel is of *Portuguese construction, Portuguese Owners*, navigated by a *Portuguese Master and Crew*; with a Passport, according to Art. 4. of the said Convention of the 28th July 1817, passed by the Minister of Marine in Lisbon, to proceed to the Coast of Africa and load Slaves for Brazil, in conformity with Article 2, Sec. 2. of the said Convention; and for Portuguese account, according to the tenour of Art. 4, of the Treaty signed at Vienna on the 22d January 1815; and before the Ratification by His Most Faithful Majesty of the Treaty of Independence of the 29th August, 1825, a time at which the present Empire of Brazil was a *Transatlantic Possession* belonging to the Crown of Portugal: in consequence whereof, this Vessel has made a legal Traffick in Slaves, and in the manner you mention in the 1st part of your Letter. This legal Traffick renders inadmissible its 2d part in this particular Case.

Having in every thing replied to your Letter,

I have the honour, &c.

(Signed)

CARLOS MATHIAS PEREIRA.

Henry Chamberlain, Esq.

Third Enclosure in No. 52.

*Mr. Consul-General Chamberlain to the Portuguese Chargé d'Affaires.*

M. LE COMMANDEUR,

Rio de Janeiro, September 20, 1826.

I HAVE the honour to acknowledge the receipt of the Letter you had the goodness to address to me on the 14th instant, in answer to mine of the 12th, respecting the Portuguese Ship “Orfeo,” which has arrived in this Port with a Cargo of Slaves from Ambriz; and wherein you assure me, that this Vessel is of *Portuguese construction, is Portuguese owned*, is navigated by a *Portuguese Master and Crew*, and has a Passport conformable to the 4th Article of the Additional Convention of London of the 28th July 1817, passed by the Minister of Marine in Lisbon, authorising her to go to the Coast of Africa to load Slaves for Brazil, in conformity with the 2d Section of the 2d Article of the said Convention; and for Portuguese account, according to the tenour of the 4th Article of the Treaty of Vienna of the 22d January 1815; and before the Ratification by His Most Faithful Majesty of the Treaty of Independence of the 29th August 1825, a time when the now Empire of Brazil was a *Transatlantic Possession* of the Crown of Portugal.

The Ship, Owners, Master, and Crew, Passport and Property, being thus all unquestionably Portuguese, the period when her Documents are dated, and the date of her departure from Lisbon, are the important facts by which it can be ascertained whether her voyage is legal or illegal; and if you see no

objection to accede to my request in this respect, I should feel obliged by your taking the trouble to afford me information on that point.

My object, M. le Commandeur, in soliciting this favour, is to make such use of the particulars, should you think fit to furnish them, as my duty may require, and to report the facts of the Case, correctly, to my Government.

The separation of Brazil from Portugal, and its acknowledgment as an Independent Empire, and the acknowledgment of His Imperial Majesty Don Pedro as Emperor, after which Brazil ceased to be a Transatlantic Possession of the Crown of Portugal, were all contained in the Royal Diploma of His late Most Faithful Majesty Don John VI., dated the 13th May 1825, and recognised in the Preamble of the Treaty of the 29th August of the same Year, after which date the Government of Portugal had no right to supply Brazil with Slaves. And unless the Documents under which the "*Orfeo*" left the Tagus in the prosecution of this Slave-trading voyage were issued previously to that Royal Diploma, it would seem to follow that she has been improperly authorised to engage in the Traffick, contrary to that stipulation of Treaty which declares, that the Portuguese Flag shall not be employed to supply Foreign Territories with Slaves, and that her voyage, therefore, is illegal.

I have the honour, &c.

*M. Carlos Mathias Pereira.*

(Signed)

H. CHAMBERLAIN.

Fourth Enclosure in No. 52.

(Translation.)

*The Portuguese Chargé d'Affaires to Mr. Consul-General Chamberlain.*

MOST ILLUSTRIOUS SIR,

*Portuguese Legation,  
Rio de Janeiro, Sept. 22, 1826.*

THERE are three points which form the Object of the Letter you addressed to me the day before yesterday.

First,—To mention, if I had no objection so to do, the date of the Documents of the Ship "*Orfeo*," and the date of her departure from Lisbon.

Secondly,—The declaration of your opinion that the Government of Portugal had *not the right* to supply Brazil with Slaves after the 13th day of May 1825, on which you say, by a Royal Diploma of His Most Faithful Majesty The Lord Don John the Sixth, whom God has in Glory, Brazil ceased to be a Trans-Atlantick Possession of Portugal; the separation of Brazil from Portugal, her recognition as an Independent Empire, and the recognition of His Imperial Majesty the Lord Don Pedro as Emperor, having been by that Act acknowledged.

Thirdly,—That, if the Documents with which the "*Orfeo*" left the Tagus were not of an anterior date to that Royal Diploma, it appears to follow, that she was unduly authorised to engage in a Traffick contrary to that Stipulation of the Treaty which declares "that the Portuguese Flag shall not be employed in supplying Foreign Countries with Slaves," and that, therefore, her Voyage is illegal.

To the first Point, I have the honour to reply, that the Passports bear date the 14th November 1825, and, although the Document from the Board of Trade bears date the 25th of the said Month, the same Secretary of State declares, that the motive was because that Document had been renewed. I am ignorant however of the day of the departure of the "*Orfeo*."

In regard to the second Point, in which it is asserted that the Government of Portugal *had no right* to supply Brazil with Slaves after the 13th May 1825, because you say there was on that date a Royal Diploma for the emancipation of Brazil: knowing that the Treaty of Independence was only made on the 29th of August, and ratified on the 15th of November of the said Year, it is not without admiration that I see you, by this assertion, attempt to establish a principle contrary to the opinion and judgment of the Writers on the Law of Nations, which, in policy and diplomacy, serve as a rule; and allow me to have a very different opinion from your's; because, according to Vattel, Martens, Herold, of Real, and Meiern, I understand that Treaties are only



considered in force after their Ratification ; having, at the same time, to put you in mind, besides what is expounded as a general rule, that in Portugal they are only, according to Law, considered so, and are only binding when competently published. There are very recent motives to persuade me, that in Great Britain the same would happen. The Recognition of the Independence of Brazil was only known in Portugal from the Letter of Law of the 15th of November 1825, in which The Lord Don John the Sixth, ratifying the Treaty of the 29th of August, made publick the Treaty and the said Recognition in consequence of the "Carta Patente" of the 13th of May. The said "Carta Patente," of the 13th of May, had not, therefore, up to that time, been published in Portugal ; nor could the Government of Portugal have published it, without knowing the use made of it by Sir Charles Stuart, according to his Instructions ; as its publication and execution depended upon the adjustments he might make with the Court of Rio de Janeiro, adjustments that are manifested in the said Treaty, which depended upon the Ratification, as all do, generally speaking, according to the Law of Nations, and as is seen in the Article 11, of the same. I have therefore the honour to reply, that, as regards the Government of Portugal, and the Portuguese, the whole affair of separation and Recognition of the Independence of Brazil was entirely dependent on the Ratification and publication of the same Treaty, and, therefore, the Petition was legal, the concession of a Passport was legal, and the Cargo was made in good faith, and legally.

Having replied to the 2d Point of your Letter, which embraces the 3d, it only remains to me to profit, &c.

(Signed)

CARLOS MATHIAS PEREIRA.

Henry Chamberlain, Esq.

No. 53.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Dec. 15.)

(Extract.)

*Rio de Janeiro, September 28, 1826.*

I HAVE to report the arrival in this Port, on the 11th instant, of a large Vessel, called the "*Orfeo*," under Portuguese Colours from Lisbon, with a Cargo of 708 Slaves on board, shipped at Ambriz ; 11 having died during the voyage.

I wrote to M. de Inhambupe the next day, stating these facts, and the reasons which led me to conclude that the "*Orfeo*" must be an illicit Trader, and requesting that the necessary enquiries might be gone into, and measures taken to enforce the Law, if it should appear that she really was so.

I was aware that it did not belong to the Government of Brazil to punish Portuguese illicit Slave-traders, wherefore I particularly applied for the enforcement of the Law ; meaning thereby the 2d Article of the Alvará of the 26th January 1818, as I had read it in the Translation contained in Class A. of the Papers presented to Parliament in 1821, at page 17, which Alvará, as it struck me, ought to be considered as the stipulated complement of the Additional Convention of London of 1817 ; and, therefore, an Act of Legislation, of which Great Britain has the right to claim the execution.

On the 14th the Minister acknowledged the receipt of my Letter, and on the 25th replied to it, informing me, that the "*Orfeo*" had sailed from Portugal, to be employed in the Slave-trade, duly provided with a Passport from that Government, dated the 14th November 1825, when the said Government had not yet acknowledged the Independence of this Empire ; and that, under any circumstances, there is no Stipulation between Great Britain and Brazil, whereby the latter is bound not to receive Slaves imported in Portuguese Ships.

(Signed)

H. CHAMBERLAIN.

*The Right Hon. George Canning,*

&c.

&c.

&c.

First Enclosure in No. 53.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

*Rio de Janeiro, September 12, 1826.*

A Portuguese Ship arrived in this Harbour yesterday, bringing a Cargo of Slaves; and the Diarios of this day state, that she is called the "*Orfeo*" from Ambriz, with 708 Negroes on board, 11 having died during the Passage, and that she is consigned to the Merchant Joao Alves da Silva Porto.

I lose not a moment in bringing these circumstances before your Excellency, in the hope that the necessary enquiries will be immediately made, and measures taken to enforce the Law against the Parties concerned, if, as it is apprehended must be the case, the "*Orfeo*" has infringed the existing Treaty and Convention for the repression of the Slave-trade.

By the establishment and recognition of the Independence of Brazil, Portugal and Brazil are become, to all intents and purposes, *quoad* each other, Foreign States. and Portugal is bound by existing Engagements with Great Britain (see Additional Convention of London of 1817, Art. 1 Sec. 4.) not to allow Portuguese Vessels to carry Slaves to any Port, not in the Dominions of His Most Faithful Majesty, which makes it most improbable that the "*Orfeo*" can be provided with a Passport from the Government of Portugal to load Slaves for Rio de Janeiro.

That she can be provided with a Passport from His Imperial Brazilian Majesty's Government, to carry on the Trade between the African Possessions of Portugal and Rio, is presumed to be still less likely; and we all know that no Governor of any of the Portuguese African Colonies has the power to grant any such Passport.

Wherefore it appears reasonable to conclude, that the "*Orfeo*" has illegally engaged in this Traffick.

And I take the liberty to request the favour of your Excellency to order the result of the before-mentioned enquiries to be communicated to me, and that I may be permitted to see the original Documents under which this Vessel sails, and to be furnished with Copies of them, for the information of my Government.

I have much pleasure in renewing to your Excellency, &c.

(Signed) H. CHAMBERLAIN.

*His Excellency the Viscount de Inhambupe.*

Second Enclosure in No. 53.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

*Rio de Janeiro, September 14, 1826.*

THE Viscount de Inhambupe presents his compliments to Mr. Henry Chamberlain, Chargé d'Affaires of His Britannick Majesty, and, acknowledging the receipt of the Letter that he addressed to him on the 12th of the present Month, respecting the Portuguese Ship "*Orfeo*," arrived in this Port with a Cargo of Slaves, has to acquaint him, that, under this day's date, he has transmitted Copy thereof to the Minister of Marine, in order to direct the necessary examinations, requested by Mr. Chargé d'Affaires, to be proceeded in.

The Viscount de Inhambupe, taking upon himself the charge of, in competent time, replying at length to Mr. Chargé d'Affaires, profits, &c.

*H. Chamberlain, Esq..*

Third Enclosure in No. 53.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

SIR,

*Rio de Janeiro, September 25, 1826.*

IN addition to the Note that I addressed, on the 14th instant, to Mr. Henry Chamberlain, Chargé d'Affaires of His Britannick Majesty, I have to communicate, in reply to his Note, relative to the Portuguese Ship "*Orfeo*," that the Minister and Secretary of State of Marine has informed me, that, from the Examinations ordered to be made, it appears, evidently, that the said Ship sailed from Portugal to be employed in the Slave-trade, furnished with the competent Passport issued by that Government, under date of the 14th of November of last Year, when the Independence of this Empire was not yet acknowledged by the said Government. But, granting the case that such Recognition had already existed, it was not the Brazilian, but rather the Portuguese Government, to whom it belonged to reply for any infraction of the Treaty and Convention for the suppression of the said Traffick, and the more so, that there is not at present any Stipulation between England and Brazil by which this binds itself not to receive Slaves imported in Portuguese Vessels.

On this occasion I renew, &c.

(Signed)

VISCONDE DE INHAMBUPE.

*Henry Chamberlain, Esq.*

No. 54.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Dec. 15.)

(Extract.)

*Rio de Janeiro, September 29, 1826.*

WITH reference to my Despatch of this Series, dated the 9th instant, respecting the importation into Maranhão of a Cargo of Slaves by the "*Nove de Março*," a Vessel under Portuguese Colours, said to be from Cabinda, but suspected to be from Cacheu; I have now the honour to forward, for the information of His Majesty's Government, the Answers returned by the Minister for Foreign Affairs, to my Representation of the 9th instant on that subject, a Copy of which was transmitted in that Despatch.

It is painful to observe the tone now taken up by this Government respecting the Slave-trade.

(Signed)

H. CHAMBERLAIN.

*The Right Hon. George Canning,*  
&c. &c. &c.

First Enclosure in No. 54.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

*Rio de Janeiro, September 12, 1826.*

THE Viscount de Inhambupe presents his compliments to Mr. Henry Chamberlain, Chargé d'Affaires of His Britannick Majesty, and acknowledging the receipt of the Letter that he addressed to him on the 9th of the present Month, and which treats of the Portuguese Schooner "*Nove de Março*," hastens to acquaint him, that he has just transmitted his said Letter to the Marine Department, in order to direct, through that Office, the Examinations which Mr. Chargé d'Affaires requests may be made, and the result of which will be communicated to him.

The Viscount de Inhambupe renews, &c.

*Henry Chamberlain, Esq.*



Second Enclosure in No. 54.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

SIR,

Rio de Janeiro, September 26, 1826.

HAVING written to the Chargé d'Affaires of His Most Faithful Majesty, respecting the Portuguese Ketch "*Nove de Março*," which you said, in your Letter of the 9th of the present Month, had sailed from the Cape de Verds with a Passport for Cabinda, but that it was suspected she had brought Slaves from Cacheu to Maranhão, the said Chargé d'Affaires has just informed me, that all he knows on this subject, is, that the said Ketch sailed from Santiago for the said Port of Cabinda; and, as this affair is an identical one with the other of the Ship "*Orfeo*," respecting which you have also represented, there remains nothing to me but to refer you to the Answer I gave under yesterday's date in that respect.

On this occasion I renew, &amp;c. &amp;c.

(Signed) VISCONDE DE INHAMBUPE.

*Henry Chamberlain, Esq.*

No. 55.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—*  
(Received Dec. 15.)

(Extract)

Rio de Janeiro, October 7, 1826.

SINCE writing my Despatch of this Series, dated the 28th ultimo, it occurred to me that you might be desirous to possess precise information respecting the interpretation given by this Government to the second Section of the Alvará of the 26th January 1818; upon which point M. de Inhambupe had not, when I wrote, pronounced an opinion.

I therefore again addressed him on the 3d instant; in the first place coinciding with his position, that Portugal is responsible to Great Britain for any infringement, by Vessels under the Portuguese Flag, of the Treaty and Convention for the suppression of the Slave-trade, and then putting forward my own view of the meaning of the 2d Section of the Alvará of the 26th January 1818, as the only one it can reasonably bear under the change that has taken place in Brazil.

His Excellency's Answer reached me Yesterday, and is couched in the following words; "Sec. 2 of the Alvará of the 26th January 1818, cited by you, does not prohibit Cargoes of Slaves from coming in Vessels the property of Portuguese."

The question, therefore, is decided, so far as this Government is concerned, and Vessels under the Portuguese Flag will be allowed to introduce as many Cargoes of Slaves as they please into Brazil.

(Signed)

H. CHAMBERLAIN.

*The Right Hon. George Canning,*  
&c. &c. &c.

First Enclosure in No. 55.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

M. LE VICOMTE,

Rio de Janeiro, October 3, 1826.

I HAVE the honour to acknowledge the receipt of your Excellency's additional Note of the 25th ultimo, in reply to my Letter of the 12th, respecting the importation of a Cargo of Slaves from Ambriz by the Portuguese Ship "*Orfeo*."

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I quite agree with your Excellency, that it is the Government of Portugal which is responsible to Great Britain for having granted a Passport to this Vessel, authorising her to carry such a Cargo from a Portuguese African Colony to the Empire of Brazil, contrary to the Stipulation of Treaty; and a reference to my above-mentioned Letter will shew, that my application to your Excellency in respect to her, inferred no infraction of existing Treaty between Great Britain and Brazil, but pointed at the enforcement of the Law of Brazil against the "Orfeo," in the event of her turning out to be an illicit Trader.

The arrival yesterday of another Portuguese Slave-vessel, the "*Conde dos Arcos*," with a Cargo of Negroes from Ambriz, and the certain intelligence which I have received from Bahia and Maranhão, of the arrival of Portuguese Slave-vessels at those Ports, with cargoes from the Portuguese Colonies in Africa, leave no doubt that the Portuguese Flag is now employed to a considerable extent in supplying a Foreign State with Negroes, in defiance of solemn Engagements with Great Britain; and your Excellency's Note of the 25th ultimo, signifies, that there is no Stipulation existing between Great Britain and Brazil, binding the latter not to receive Slaves imported in Portuguese Vessels.

In this state of the case, I feel it to be necessary to ascertain the interpretation given by the Brazilian Government to the 2d Article of the Alvará of the 26th of January 1818; which Alvará, as your Excellency is aware, was published for the purpose of giving full and complete effect to the Additional Convention of London of 1817, and in fulfilment of a Stipulation to that end.

By the separation of Brazil from Portugal, and its having become an Independent Empire, it would seem to be a natural consequence that the Flag of Brazil alone should, under that Article, be allowed to cover the importation of Slaves into Brazil, since it can hardly be contended that none but Ships under the Portuguese Flag can import them.

This is, however, a point of too much interest, and of too great magnitude, to remain undecided, and I trust that your Excellency will have the goodness to favour me with the opinion before requested, at as early a moment as may be practicable, for the purpose of being transmitted for the information of His Britannick Majesty's Government.

I beg to renew to your Excellency, &c.

(Signed) H. CHAMBERLAIN.

*His Excellency the Viscount de Inhambupe.*

Second Enclosure in No. 55.

*Mr. Consul-General Chamberlain to the Viscount de Inhambupe.*

*Rio de Janeiro, October 3, 1826.*

MR. CHAMBERLAIN presents his compliments to the Viscount de Inhambupe, Councillor, Minister, &c. &c. and begs to acquaint his Excellency that the Portuguese Vessel "*Conde dos Arcos*," respecting which he addressed his Excellency officially on the 24th of June last, arrived in this Harbour on the Night of the 1st instant, bringing a Cargo of 419 Slaves from Ambriz.

Mr. Chamberlain does not doubt that the promised enquiries respecting the legality of this Vessel's voyage will be gone into, and hopes that his Excellency will favour him with the result.

He begs to renew to his Excellency, &c.

*His Excellency the Viscount de Inhambupe.*

Third Enclosure in No. 55.

(Translation.)

*The Viscount de Inhambupe to Mr. Consul-General Chamberlain.*

SIR,

*Rio de Janeiro, October 6, 1826.*

I ACKNOWLEDGE the receipt of the Letter and Note, which you addressed to me, under date of the 3d of the present Month, relative to the Portuguese Ship "*Conde dos Arcos*," which arrived in this Port with a Cargo of Slaves, coming from the Port of Ambriz.

Having already in my Note of the 25th of last Month, communicated to you, when I replied to your Representation on a similar shipment in the Portuguese Ship "*Orfeo*," that it was not the Brazilian, but rather the Portuguese Government, to whom it belonged to answer for any infraction of the Treaty and Convention for the suppression of the Traffick in Slaves; I have nothing more to add in this respect, but that the 2d Sec. of the Alvará of the 26th January 1818, cited by you, does not prohibit Cargoes of Slaves from coming in Ships, Portuguese Property.

On this occasion I renew to you, &c.

(Signed)

VISCONDE DE INHAMBUPE.

*Henry Chamberlain, Esq.*

## No. 56.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.—**(Received Dec. 15.)*

SIR,

*Rio de Janeiro, October 14, 1826.*

I HAVE the honour to report the arrival in this Port, on the 10th instant, of the Portuguese Schooner "*Boa Viagem*," with a Cargo of 279 Slaves, from Angola, 20 having died during the voyage.

I have not thought it expedient, or useful, considering how little has been gained by my Representations respecting the "*Orfeo*" and "*Conde dos Arcos*," Slave-vessels, to take any notice of the arrival of the "*Boa Viagem*."

The Vessel and Cargo have been admitted to entry.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c.                      &c.                      &c.

(Signed) H. CHAMBERLAIN.

## No. 57.

*Mr. Secretary Canning to Mr. Consul-General Chamberlain.*

SIR,

*Foreign-Office, December 30, 1826.*

YOUR several Despatches of this Series, of the Slave-trade, to the 14th of October, inclusive, have been duly received.

I have witnessed, with much satisfaction, the unwearied vigilance and activity with which you have executed your Instructions upon that subject.

I am, &c.

*Henry Chamberlain, Esq.*

(Signed)

GEORGE CANNING.

## No. 58.

*Mr. Consul Pennell to Mr. Secretary Canning.—(Received Feb. 6, 1826.)*

(Extract.)

*Bahia, November 16, 1825.*

I SHALL continue to transmit to you all the particulars that I can collect,

connected with the Cases of the Brig "*Henriquetta*," and of the Smack "*Caridade*;" they have accidentally become the subject of my Representation to the President of this Province; their Owners are known to be the principal Slave-merchants in this City, and I believe the facts which would be elicited by a strict scrutiny into these Cases, and their ramifications, would disclose a very correct view of the present state of the Trade in this Country, a view which may suggest such measures as are best calculated to remedy those evils which admit of cure, and to palliate such as are incurable.

The American Schooner "*Lafayette*" arrived here on the 21st October, from Onim, or Lagos, (in Lat. 6. 23. N.) in ballast, for which Place she had been chartered by the Owner of the Brig "*Henriquetta*." She reported that the "*Henriquetta*" was at Onim, expecting to receive her Cargo of Slaves. It is probable that the "*Lafayette*" was chartered by the Owner of the "*Henriquetta*," and the English Brig "*George and James*," by the Owner of the "*Caridade*," for the same objects, namely, to be subservient to their illicit operations in the Slave-trade.

The Master of the "*Lafayette*" stated, that he left at Onim 3 Spanish and 6 Brazilian Vessels waiting for Slaves.

On the 3d instant, the "*Henriquetta*" arrived here, and reported from *Molembo* in 18 days, with 504 slaves. It is reported that she had her Cargo, or part of her Cargo, of Slaves on board, when His Majesty's Ship "*Maidstone*" appeared off Onim, and she had just time to land them, and thereby to escape capture. On the departure of the "*Maidstone*," the Slaves were again embarked, and she proceeded to Sea. Soon afterwards, the "*Maidstone*" appeared in sight, and gave chase, a calm or light winds enabled the "*Henriquetta*" to avail herself of her sweeps, and to escape: she is armed, and had prepared her guns for resistance. It is reported, that several deaths have taken place among the Slaves, but with regard to circumstances and number, there has been equivocation and concealment.

I cannot vouch for the accuracy of these facts, yet I am persuaded there will not be found any error that will essentially affect the truth of this Representation.

I have not been able to ascertain all the dates; perhaps the Commander of His Majesty's Ship "*Maidstone*" may be able to furnish such Evidence on this point as, combined with the facts here stated, will prove that the Slaves could *not* have been shipped at Molembo, or at any Port South of the Line.

I am informed that the "*Henriquetta*" was insured at Rio de Janeiro, on her late voyage, at a premium which included the risk of capture by British Cruizers; the Owner has lately bought the Schooner "*Lafayette*;" and the Owner of the Smack "*Caridade*" expects a Vessel from Philadelphia, that is to be a nonpareil, for the Slave-trade (illicit understood), and that will be well armed. It is supposed that a fortunate voyage on this Trade, (such as those recently made by the "*Henriquetta*" and "*Caridade*"), leaves a profit to the Speculator of upwards of £30 per head.

The illicit Slave-trade is very differently viewed in this Country from what it is in England; of which I cannot state a greater or more authentick proof, than in the Case of the Portuguese Vessel the "*Volcãno do Sul*:" this Vessel was captured with a Cargo of Slaves on board, in the Year 1819, by His Majesty's Ship "*Pheasant*," and was ordered to Sierra Leone; the Crew, however, rose on the English Officer and Seamen, murdered them, and made for this Port: here the Slaves were all smuggled on Shore, and the Vessel then scuttled to escape detection; the case was pretty generally known, but no one gave any information with a view to bring the Delinquents to justice. At length it was communicated to me; under a promise of secrecy as to the name of my Informant; I immediately made an Official Representation to the then Governor, who ordered an investigation, the facts were proved; the property of the Owner was sequestered, and Sentence of Death pronounced against the Portuguese Crew; but, I believe, no Execution has followed.

The most moderate estimate made of the illicit Importation of Slaves in this

Province, makes it average more than  $\frac{1}{4}$  of the whole Importation; indeed, the general belief is, that  $\frac{3}{5}$  of the total Importation is from the prohibited District: this sufficiently shews how ineffectual the British Naval Force has hitherto been, as regards the illicit Trade with this Province.

It is the general opinion amongst the best informed here on the subject, that when a Vessel, bound to this Port with Slaves, is captured and condemned, another is *generally* equipped for the same voyage, in order to supply the still existing demand, in which case the very success of our Cruizers increases the illicit Exportation of Slaves from the North of Africa. It, however, *sometimes* happens, (and the more successful our Cruizers are, the more frequently it is likely to happen) that the dread of our Cruizers induces the Slave-merchant to send his Vessel to Moçambique, or its vicinity, where the Trade is legal and the Slaves cheap; but on this voyage, it is estimated, that the mortality is five times greater than on the voyage to the North, and the misery to the unhappy survivors *incalculably* greater.

The crimes committed, to escape *after* capture, are exemplified in the Case of the "Volcano do Sul." Those which are committed, to escape being captured with Slaves on board, are known to be more frequent, and, if possible, of a deeper die.

The Case of the "Volcano do Sul," also shows the facility of smuggling on this Coast, and, that the Official Returns of the Importation of Slaves should be regarded as under-rated.

(Signed) WM. PENNELL.

*The Right Hon. George Canning,*  
&c. &c. &c.

#### No. 59.

*Mr. Consul Pennell to Mr. Secretary Canning. — (Received May 23.)*

SIR,

*Bahia, February 22, 1826.*

I HAVE procured a List of the principal Ports North of the Line, from whence Slaves are shipped for this Place: they are as follows; Cabo Lau, Rio Sueiro, Cabo Polonia, Mina, Cabo Corso, Alará, Aquita, Popo, Ajuda, Badagra, Porto Novo, and Onim or Lagos.

I believe it to be correct, although it has the following Preamble, "The Ports on the Coast of Mina (Guinea), where the Trade is carried on in Gold, Ivory, Cloth, and Oil."

In consequence of this Preamble, and because this Commerce is frequently adduced to cloak the illicit Slave-trade, I caused enquiry to be made as to its extent, and I am credibly informed, that the value of all the Articles imported through the Custom-House into this Province, *from all Africa*, did not exceed £6,000 for the Year 1825.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) WM. PENNELL.

#### No. 60.

*Mr. Consul Pennell to Mr. Secretary Canning. — (Received May 29.)*

SIR,

*Bahia, February 3, 1826.*

I HAVE the honour to enclose Copy of my Letter, of the 28th January, to the French Consul, on learning that the French Ship "*Diane*," Captain Edon, had brought to this Port from Pernambuco 8 Slaves for sale, and also of his Reply, dated the 31st instant, explaining the circumstances of the case, and the steps which he has taken.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) WM. PENNELL.

First Enclosure in No. 60.

*Mr. Consul Pennell to the French Consul at Bahia.*

SIR,

*Bahia, January 28, 1826.*

I HAVE the honour to call your attention to the circumstance of the French Ship "*Diana*," Captain Edon, from Pernambuco, having brought to this Port 8 Slaves, which, I am informed, are intended for sale.

I am persuaded it is sufficient to bring the fact to your knowledge to induce you to take such steps herein as are dictated by the Laws of France, and the well known sentiments of His Most Christian Majesty, on the subject of the Slave-trade.

I have the honour to be, &amp;c.

*Mons. Guinebaud.*

(Signed)

WM. PENNELL.

Second Enclosure in No. 60.

*The French Consul at Bahia to Mr. Consul Pennell.*

MONSIEUR,

*Bahia, 31 Janvier 1826.*

JE réponds à la Lettre que vous m'avez fait l'honneur de m'écrire le 28 de ce Mois, pour m'annoncer que le Navire Français "*La Diane*," Capitaine Victor Edon, a transporté de Pernambouc en ce Port 8 Nègres, Esclaves destinés à y être vendus.

Ayant, vous et moi, examiné le Rôle d'Equipage de "*La Diane*," nous avons en effet reconnu qu'il conste, ainsi que l'accuse Monsieur Boilleau, Chancelier gérant le Vice Consulat de France à Pernambouc, que le nommé Antonio Jozé Ribeiro, s'est embarqué à Pernambouc pour Bahia, accompagné de 8 Esclaves, dont un domestique, et les 7 autres allant sous Carta de Guia, ou Passavant de la Douane, pour être vendus à Bahia.

A la réception de votre Lettre je m'empressai de faire appeler devant moi le Capitaine Edon, pour lui communiquer la plainte et recevoir de lui les éclaircissements nécessaires. Il résulte de ses déclarations ce qui suit :

Le Capitaine Edon a donné passage de Pernambouc à Bahia, au nommé Antonio Jozé Ribeiro, accompagné comme il est dit ci-dessus.

Cet Individu, dit le Capitaine Edon, était porteur d'un Passeport délivré par l'Autorité de Pernambouc, tant pour lui que pour ses 8 Esclaves. Il n'a pas examiné ce Passeport écrit en Portugais qu'il ne comprend pas, et ne s'est point informé si les Nègres étaient neufs ou non.

Il a d'autant moins pensé devoir le faire qu'il sait ou croit savoir que les Lois Brésiliennes défendent à tout Navire Etranger le cabotage des produits du sol ou du Commerce Brésilien, et spécialement des Nègres qui n'ayant pas acquitté les droits d'entrée, peuvent encore être réputés Marchandise de traite.

Que l'Autorité de Pernambouc ayant délivré le Passeport, le Capitaine n'a pas poussé plus loin son investigation et s'est cru en règle.

Que l'on ne peut lui attribuer aucun motif de cupidité ou désir de contrevenir aux Lois de France relatives au Commerce des Noirs, puis qu'il résulte de son livre de bord que le montant du passage du Maître et des 8 Esclaves, n'est que de Rs50,000. (F312. 50c.) savoir Rs30,000. pour le Maître, et Rs20,000. (F125.) pour les 8 Esclaves.

Les assertions du Capitaine me paraissant exprimées avec une certaine ingénuité qui écarte, au moins à mes yeux, toute idée de fraude ou de faute volontaire, je ne crois pas pouvoir avec justice lui appliquer les sévères dispositions résultant des diverses Instructions depuis longtemps, et récemment encore, émanées du Gouvernement de Sa Majesté Très Chrétienne, sur tout ce qui a rapport à la Traite des Noirs.

"*La Diane*" repartant incessamment pour Pernambouc et le Hâvre, je crois

devoir prendre le parti de m'en référer à Monsieur Boilleau, en le prévenant de ce qui s'est passé, bien sur que cet Agent prendra toutes les mesures convenables pour parvenir à la connaissance de la vérité, et à donner les éclaircissements nécessaires sur plusieurs choses que je ne suis point apportée d'expliquer.

Je me propose aussi d'en rendre directement compte à mon Gouvernement.

Je ne puis d'ailleurs Monsieur, que vous remercier de l'avis que vous avez bien voulu me donner dans cette occasion, et vous assurer de l'intérêt avec lequel j'accueillerai toutes les indications que vous voudrez bien me faire parvenir sur cette matière, que les Instructions pressantes et réitérées du Ministère Français rendent l'objet constant de ma sollicitude.

J'ai l'honneur, &c.

M. Pennell.

(Signé)

GUINEBAUD.

(Translation.)

SIR,

*Bahia, January 31, 1826.*

I REPLY to the Letter which you did me the honour to write to me on the 28th of this Month, informing me, that the French Ship the "*Diana*," Captain Victor Edon, brought from Pernambuco, 8 Negro Slaves, intended for sale at this Place.

When you and I examined the Roll of the Crew of the "*Diana*," we saw, in fact, that it was evident, as is acknowledged by Monsieur Boilleau, Acting Chancellor in the Vice Consulate of France at Pernambuco, that the said Antonio Joze Ribeiro embarked at Pernambuco for Bahia, accompanied by 8 Slaves, one of whom, a domestick, and the 7 others went, under a *Carta de Guia*, or Passport of the Custom House, to be sold at Bahia.

On the receipt of your Letter, I lost no time in causing Captain Edon to appear before me, to communicate the complaint to him, and to receive from him the necessary explanations. The following is the result of his declarations:

Captain Edou gave a passage from Pernambuco to Bahia to the said Antonio Jose Ribeiro, accompanied as above stated.

That Individual, according to the Captain, was the bearer of a Passport, delivered by the Authorities of Pernambuco, for himself as well as his 8 Slaves. He did not examine that Passport, as it was written in Portuguese, which he does not understand, nor did he enquire whether the Negroes were new ones or not.

He thought himself the less bound to do so, as he knows, or believes that he knows, the Brazilian Laws prohibit every Foreign Ship from making a Coasting-trade with the produce of the Brazilian Soil or Commerce; and especially Negroes, who, not having paid the Import Duties, may still be considered as Merchandize of the Slave-trade.

The Authorities of Pernambuco having delivered the Passport, the Captain investigated the affair no further, and conceived himself to be acting correctly.

No motive of cupidity, or desire of intringing the Laws of France relative to the Slave-trade, can be attributed to him, inasmuch as it is proved by his Ship's Book that the amount of the passage of the Master and the 8 slaves is only Rs50,000: (F312.50 cts.) viz.: Rs30,000. for the Master, and Rs20,000. (F125.) for the 8 Slaves.

The assertions of the Captain appear to me expressed with a certain ingenuousness which dissipates, at least to my eyes, all idea of fraud or voluntary fault. I do not in justice think that I can apply to him the severe measures which result from the different Instructions long since communicated by, and recently received from, the Government of His Most Christian Majesty, above all in what has reference to the Slave-trade.

The "*Diana*" being about to return immediately to Pernambuco and Havre, I think I may refer the business to Monsieur Boilleau, informing him of what has occurred, well convinced that that Agent will take the necessary

steps to obtain a knowledge of the truth, and to give the necessary explanations upon many points which I am not competent to explain.

I intend also immediately to inform my Government of the affair.

I cannot but thank you, Sir, for the advice which you have thought proper to give me on this occasion, and assure you of the interest with which I shall welcome all the information which you may be pleased to transmit to me on this matter, which the pressing and reiterated Instructions from the French Ministry render a constant object of my solicitude.

I have the honour to be, &c.

W. Pennell, Esq.

(Signed)

GUINEBAUD.

No. 61.

*Mr. Consul Pennell to Mr. Secretary Canning.—(Received May 29.)*

SIR,

*Bahia, February 17, 1826.*

IN a conversation with the French Consul of this Province, on the subject of a French Schooner, called the "*Bienfaisant*," chartered to carry a cargo of Tobacco to Ajuda, I stated to him the view which was taken of such a voyage by the Laws of England, and that an English Vessel now here (the Brig "*Freeland*," Captain Thompson,) had just refused an advantageous Charter for that Port, in consequence of your Despatch on the subject. He expressed a wish to obtain all the information on the subject which I could afford, expressing his desire to concur all in his power for the suppression of the Slave-trade, and that he would write to his Government on this particular Case, if it did not already come within his Instructions.

In consequence, I sent him a Copy of your Despatch of the 24th of July last. I have the honour to enclose a Copy of my Letter to him, and of his Reply on the subject.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) WM. PENNELL.

First Enclosure in No. 61.

*Mr. Consul Pennell to the French Consul at Bahia.*

SIR,

*Bahia, February 9, 1826.*

WITH reference to our conversation, respecting the French Schooner "*Bienfaisant*," bound to Ajuda, on the Coast of Africa, North of the Line, with a cargo of Tobacco, I have the honour to enclose a Copy of Mr. Secretary Canning's Despatch of the 24th of July last, by which you will perceive that a similar voyage (under the same circumstances) in an English Vessel, is forbidden by the English Law; and although several English Merchants and Masters of Ships had before contended for its legality, on the same reasoning which you have adduced, yet they have since uniformly (and one within these few days) refused advantageous freights of this description, in deference to the Law, as expounded in Mr. Canning's Despatch.

It is with great pleasure that I comply with your desire to be furnished with a Copy of this Document, for the object you intimate, being persuaded that a union of sentiment, and a cordial co-operation in measures, by the French and English Nations, as regards the Slave-trade, will have a very powerful and salutary effect towards its final abolition.

I have the honour to be, &c.

M. Guinebaud.

(Signed)

WM. PENNELL.

P.S.—I also enclose Copies of my Despatches of the 1st and 15th April last, to which Mr. Secretary Canning refers.

(Signed) W. P.



Second Enclosure in No. 61.

*The French Consul at Bahia to Mr. Consul Pennell.*

MONSIEUR,

*Bahia, 15 Février, 1826.*

J'AI lu avec toute l'attention qu'ils méritent les Documens contenus et détaillés dans la Lettre que vous m'avez fait l'honneur de m'écrire le 9 de ce Mois, par suite de la conversation que nous avons eue au sujet de la Goëlette Française le "*Bienfaisant*," Capne. Luzet, arrivé récemment d'Ajuda, Côte d'Afrique, au Nord de la Ligne, et se préparant à y retourner avec un chargement de tabac. Quelque soit ma confiance dans le mérite des décisions de M. l'Avocat-Général du Roi, dont il est fait mention dans la Dépêche du très honorable Secrétaire d'Etat, je ne puis m'empêcher de remarquer que M. l'Avocat-Général lui-même laisse le point de droit indécis, en se référant à la nécessité d'une nouvelle Mesure Législative.

Ne vous semble-t-il pas aussi, Monsieur, qu'il existe une différence assez remarquable entre votre position et la mienne à l'égard de nos Capitaines respectifs, résultant de la différence des circonstances du "*Bienfaisant*" et de celles des Navires Anglais qui, d'après vos avis et sur la représentation de l'un des Documens précités, ont renoncé à se fréter pour la Côte d'Afrique?

Les Navires Anglais dont il est fait mention, arrivant probablement d'Angleterre ou de l'une des Possessions Britanniques, se trouvaient tout à fait étrangers, au moins dans cette occasion, au commerce légal ordinaire de la Côte d'Afrique. Pour eux un tel voyage eut été accidentel; l'un d'eux a même déclaré qu'au transport en Afrique de son chargement se joignait dans la Charte-partie proposée la circonstance aggravante du transport de *Noirs Libres* d'un lieu à un autre de la Côte.

Le "*Bienfaisant*," au contraire, est parti de France en Décembre 1824, chargé et dûment pourvu d'Expéditions légales et Passeport pour la Côte d'Afrique. On sait qu'il se fait tous les Ans, tant en Angleterre qu'en France, un certain nombre d'Expéditions de ce genre, dont le but avoué et véritable est de débiter des Marchandises sur la Côte et de traiter des produits d'Afrique, tels que la gomme, l'ivoire, l'or, l'écaille, des bois précieux, de l'huile de Palmier, du café des Iles du Prince et de San Thomé, &c.

Le "*Bienfaisant*" a parcouru la Côte et utilisé son navire suivant qu'il a été convenable à ses intérêts et conforme aux Lois de France. Il a vendu sa cargaison, et son produit se trouve représenté par une partie de café que le Capitaine a à son bord avec des Piastres et autres valeurs.

Cette circonstance écarte tout soupçon de commerce et d'introduction d'Esclaves. D'ailleurs ce Bâtiment a été visité à plusieurs reprises par des Bâtimens de Sa Majesté Britannique, ainsi qu'il conste des *Visas* apposés sur son congé et sur son Acte de Francisation. Le Capitaine déclare même avoir été visité le jour de son départ pour Bahia.

Le Capne. Luzet a pris des arrangemens avec un Marchand d'Ajudá pour venir chercher à Bahia et lui rapporter un chargement de tabac dont le fret sera payé à Ajudá même.

Arrivé dans ce Port, il m'a fait sa Déclaration et justifié de l'emploi de son tems sur la Côte. J'ai fait visiter son Navire, je me suis convaincu qu'il n'est point préparé pour le Commerce des Noirs, et qu'il avoit à bord en café et autres valeurs la représentation de son chargement de France et des profits que lui ont valu ses diverses escales sur la Côte. Je n'ai point le droit de pousser mes investigations plus loin. Il n'existe dans mes Instructions ni dans les Lois de France à ma connaissance, aucune clause qui me donne le pouvoir d'arrêter et rompre le cours de voyage d'un Navire parti de France avec des Expéditions en règle, et contre lequel il ne s'élève aucun juste soupçon de fraude ou violation des Lois. Le Capitaine aurait le droit de protester chez moi contre moi-même de pertes et dommages pour cette extension arbitraire de l'esprit des Lois contre le Commerce des Esclaves.

Je ne puis d'ailleurs que vous répéter ce que j'ai eu l'honneur de vous dire verbalement, au sujet de la cargaison de tabac que doit prendre le "Bienfaisant."

Le tabac, l'eau-de-vie, et autres marchandises que l'on charge ici pour la Côte d'Afrique, sont à mes yeux des marchandises *innocentes* ainsi que celles que l'on y envoie d'Angleterre, d'Allemagne, et de France. C'est l'emploi qui cesse de l'être, lorsqu'on les applique à l'achat d'Esclaves. Elles peuvent en effet avoir ce criminel résultat, parceque l'on peut abuser de tout, mais elles peuvent aussi ne servir qu'à faire le Commerce légal et permis de tous les autres produits de l'Afrique.

S'il est possible que des Spéculateurs d'Europe ne soient pas encore assez pénétrés de l'horreur que doit inspirer l'odieux trafic des Noirs, et frappés de crainte à l'aspect des peines sévères portées contre eux, les Vaisseaux de Guerre Anglais et Français sont suffisamment autorisés à exercer une surveillance rigoureuse sur des Expéditions suspectes, mais cette surveillance ne peut conduire à entraver ou arrêter des Bâtiments faisant un Commerce légal.

S'il pouvait venir à ma connaissance que le "Bienfaisant" se fut livré d'une manière quelconque au Commerce des Noirs, le Capitaine me trouverait armé de toute la sévérité que m'imposent mes Instructions et les Ordres récents reçus à ce sujet.

Mais dans la circonstance actuelle, je ne puis me refuser à lui laisser continuer son voyage et à signer ses Expéditions.

Permettez-moi du reste, Monsieur, de vous répéter, que vous me trouverez toujours cordialement disposé à joindre mes efforts aux vôtres, pour parvenir à faire strictement exécuter les Lois de nos Nations respectives sur le Commerce des Noirs.

J'ai l'honneur d'être, &c.

Monsieur W. Pennell.

(Signed)

GUINEBAUD.

(Translation.)

SIR

Bahia, February 15, 1826.

I HAVE read, with all the attention which they deserve, the Documents enclosed and detailed in the Letter, which you did me the honour to write to me on the 9th of this Month, subsequent to the conversation which we had on the subject of the French Schooner "*Le Bienfaisant*," Capt. Luzet, lately arrived from Ajuda, Coast of Africa, to the North of the Line, and which is preparing to return thither with a Cargo of Tobacco. Whatever may be my confidence in the merit of the Decisions of the Advocate-General of the King, of which mention is made in the Despatch of the Right Honourable Secretary of State, I cannot refrain from remarking, that the Advocate-General himself leaves the point of Law undecided, by alluding to the necessity of a new Legislative Measure.

Does it not, also, appear to you, Sir, that there is a remarkable difference between your position and mine, as to our respective Captains, resulting from the difference of the circumstances of the "*Bienfaisant*" and those of the English Ships, which, according to your information, and the representation of one of the aforesaid Documents, have abandoned their preparations for the Coast of Africa?

The English Ships mentioned, probably arriving from England, or from one of the British Possessions, were perfectly strange, at least on this occasion, to the legal ordinary Commerce of the Coast of Africa. For them such a Voyage had been accidental. One of them has even declared, that, in the proposed Charter-party, with the transport of her Cargo to Africa, was coupled the aggravating circumstance of the transport of *Free Negroes* from one part of the Coast to the other.

The "*Bienfaisant*," on the contrary, departed from France in December 1824, laden, and duly furnished with legal Instructions and Passport, for the Coast of Africa. It is known that every Year, as well in England as in France, a certain number of Expeditions of this kind are prepared, the

avowed and real object of which is to sell Merchandize on the Coast, and to treat for the produce of Africa, such as gum, ivory, gold, shell, precious woods, palm-oil, and coffee from Princes Islands and St. Thomas, &c.

The "*Bienfaisant*" ran along the Coast, and made herself useful according to her interests, and conformably to the Laws of France. She sold her Cargo, and in place of that produce, substituted a parcel of coffee, which the Captain has on board, piasters, and other valuables.

This circumstance dissipates every suspicion of the commerce in, or the introduction of, Slaves. Besides, that Vessel was frequently visited by His Britannick Majesty's Ships, as is proved by the *Visas*, placed upon her Passport, and her Act of *Francisation*. The Captain even declares that he was visited on the day of his departure for Bahia.

Capt. Luzet formed arrangements, with a Merchant of Ajuda, to procure, at Bahia, and carry back to him, a cargo of tobacco, the freight of which will be paid at Ajuda.

On his arrival at this Port he made his Declaration to me, and justified the employment of his time on the Coast. I caused his Ship to be visited, and convinced myself that she was not prepared for the Slave-trade, but had on board, in coffee and other valuables, the substitute of her Cargo from France, and the results of her profits acquired in her different voyages along the Coast.

I have no right to push my investigations further. Neither in my Instructions, nor in the Laws of France, to my knowledge, does any clause exist which gives me the power to delay or stop the course of a Ship's Voyage, which left France with Instructions in due form, and against which no just suspicion of fraud or violation of the Laws is manifest. The Captain would have a right to protest, in my own house, against myself, for expences and damages, in consequence of such an arbitrary extension of the spirit of the Laws against the Slave-trade.

I cannot refrain from now repeating to you, what I had the honour of saying to you, verbally, on the subject of the cargo of tobacco which the "*Bienfaisant*" is to take.

The tobacco, brandy, and other merchandize, which are laden here from the Coast of Africa, are, in my judgment, *innocent* merchandize, as well as those goods which are sent out from England, Germany, and France. The employment of them ceases to be so, when they are applied for the purchase of Slaves. In effect, they may have that criminal result, inasmuch as every thing may be abused; but they also may be intended solely for the legal and permitted Commerce of all other produce of Africa.

If it be possible that the Speculators of Europe are not as yet impressed with the horror necessarily resulting from that odious Traffick, and terrified at the aspect of the severe Penalties enacted against it, the English and French Ships-of-War are sufficiently authorised to enforce a rigorous inspection as to suspected Licences, but that inspection cannot empower them to delay or stop Vessels carrying on a legal Commerce.

If it should come to my knowledge that the "*Bienfaisant*" lent herself, in any way, to the Slave-trade, the Captain would find me armed with all the severity which is imposed upon me by my Instructions, and the recent Orders received on that subject.

But, under the present circumstances, I cannot refuse to allow him to continue his Voyage, or to sign his Licence.

Permit me, Sir, now to repeat to you, that you will always find me cordially disposed to join my efforts to yours, to enforce the strict execution of the Laws of our respective Nations on the Slave-trade.

I have the honour to be, &c.

(Signed)

GUINEBAUD.

Mr. W. Pennell.

*Mr. Consul Pennell to Mr. Secretary Canning.—(Received May 29.)*

SIR,

*Bahia, February 21, 1826.*

I HAVE the honour to transmit Copy of my Correspondence with the President of this Province, under date of the 15th, 17th, and 20th instant, on the subject of the admeasurement of Slave-vessels, and particularly as regards the Schooner "1<sup>a</sup> Rosalia."

It is not my intention to renew this subject with the Authorities here, unless in obedience to Instructions, or that circumstances shall arise to promise greater utility to my interference.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c.                      &c.                      &c.

(Signed) WM. PENNELL.

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First Enclosure in No. 62.

*Mr. Consul Pennell to the President of the Province of Bahia.*

SIR,

*Bahia, February 15, 1826.*

I RECEIVED the Letter which your Excellency did me the honour to address to me, dated the 4th November last, intimating your intention to reply at an early period to my Letters of the 10th and 16th of September, and 6th of October.

It is in the mean time my duty to represent to your Excellency, that the grievances which I had the honour to bring under your observation, in my aforesaid Letters of the 16th September and 6th October, as regards the Slave-trade, remain unabated.

A List of 12 Brazilian Vessels has been exhibited to me, as having sailed from this Port for Africa, since the 6th October last, without having been measured, as directed by His Imperial Majesty's Portaria of 12th August 1824.

The Schooner "1<sup>a</sup> Rosalia," arrived the 13th instant, from Moleimbo, with 406 Slaves, furnishes a Case (as I am credibly informed) more aggravated than that of the Smack "Caridade," adverted to in my Letter of the 6th October, inasmuch as she brings 150 Slaves more than her admeasurement warrants, even on the supposition that the admeasurement is correct, and that no deaths have taken place since the commencement of her voyage.

I have the honour to be, &c.

(Signed)

WM. PENNELL.

*His Excellency the Viscount de Queluz.*

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Second Enclosure in No. 62.

(Translation.)

*The President of the Province of Bahia to Mr. Consul Pennell.*

SIR,

*Bahia, February 17, 1826.*

I HAVE received your Letter of the 15th instant, stating that you had not yet received a satisfactory Answer to your Letters of the 10th and 16th of September, and of the 6th October of last Year.

Having heard the competent Departments of this City on the subject of your Representation, I am persuaded that the Admeasurement of Vessels in this Province is different from that of England, and it therefore becomes my duty to carry this affair to the Imperial Presence, which I shall do, and in due time communicate to you the Resolution of His Majesty The Emperor.

As to the Schooner "*Rosalia*," lately arrived from Molembo with 406 Slaves, I have to inform you, that the Passport which she carried authorized her to bring 495 Slaves, according to the Admeasurement made at the *Intendência da Marinha*, and therefore she might have brought 89 Slaves more than the 406 which are mentioned in your Letter.

God preserve you.

*William Pennell, Esq.*

(Signed)

VISCONDE DE QUELUZ.

Third Enclosure in No. 62.

*Mr. Consul Pennell to the President of the Province of Bahia.*

SIR,

*Bahia, February 20, 1826.*

I BEG leave to express my thanks to your Excellency for the information contained in your Letter of the 17th instant. I observe that the Schooner "*1ª Rosalia*" is authorized to carry 495 Slaves. My representation was founded on the Register kept at the *Arsenal da Marinha*, by which it appears, that, both on her outward and homeward voyage, she is rated at 99 tons, which would authorize her to carry only 246 Slaves. Can it be that she is rated at 198 tons for the purpose of carrying Slaves, and only at 99 for other purposes?

I have the honour to be, &c.

*His Excellency the Viscount de Queluz.*

(Signed) WM. PENNELL.

No. 63.

*Mr. Consul Pennell to Mr. Secretary Canning.—(Received June 19.)*

(Extract.)

*Bahia, February 27, 1826.*

WITH reference to my Despatch of the 21st instant, I have the honour to enclose a Copy of a Letter from the President of this Province, of the 25th instant, which contained a Certificate from the *Intendente da Marinha*, stating that the Schooner "*1ª Rosalia*" was measured on the 16th September 1824, in conformity with the Alvará of 26th January 1818, and was found to be 194½ tons, and capable of carrying 486 Slaves.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed)

WM. PENNELL.

First Enclosure in No. 63.

(Translation.)

*The President of the Province of Bahia to Mr. Consul Pennell.*

SIR,

*Bahia, February 25, 1826.*

HAVING received your Letter of the 20th instant, I directed the Chief of the Department, the *Intendente da Marinha*, to report on the Admeasurement of the Schooner "*1ª Rosalia*." By this Report, which I transmit to you, with a Certificate of the Measurement made by the Ship-builders of the Arsenal, it appears, with certainty, that the said Vessel has not brought a greater number of Slaves than her Measurement permits.

I am persuaded that I have perfectly satisfied the Representation made in your Letter.

God preserve you.

*William Pennell, Esq.*

(Signed)

VISCONDE DE QUELUZ.

## No. 64.

*Mr. Consul Pennell to Mr. Secretary Canning.—(Received June 19.)*

(Extract.)

*Bahia, April 17, 1826.*

DURING The Emperor's recent visit to this City, the Brig "*Henriquetta*" (whose Admeasurement forms the subject of my Despatch of the 17th of October of last Year) arrived from the Coast of Guinea, N. She is reported from Molembo, with 441 Slaves; but is authorised to bring 600.

On enquiry into the cause, I learnt that the Slaves had risen on the passage, and that many were killed. I understand the Captain acknowledges 18: other reports make the number greater; but I do not learn that any legal investigation will take place.

The Owner of the "*Henriquetta*" has lately purchased the English Brig "*Fanny*," of 192 tons, built at Halifax. It is supposed she will also be employed in the illegal Traffick.

*The Right Hon. George Canning,*  
*&c. &c. &c.*

(Signed) WM. PENNELL.

## No. 65.

*Mr. Secretary Canning to Mr. Consul Pennell.*

SIR,

*Foreign Office, June 22, 1826.*

I HAVE received your Despatch of the 17th of February, of the Slave-trade Series, of this Year, and I commend the zeal which prompted, and the quiet and considerate tone which marked, your Communication with the Consul of France, at Bahia, upon the chartering of French Vessels to Places in Africa, North of the Line.

I send to you, for your Information upon this subject, the Copy of a Despatch which I have received from His Majesty's Commissioners at Sierra Leone, dated the 21st of March last,\* shewing how just was the view which was taken, as to the object of the Parties who employed the Vessel "*George and James*," noticed in your Letter of November 5, 1825.

I am, &amp;c.

*William Pennell, Esq.*

(Signed)

GEORGE CANNING.

\* See Class A, No. 38.

## No. 66.

*Mr. Consul Pennell to Mr. Secretary Canning.—(Received Oct. 28.)*

(Extract.)

*Bahia, August 8, 1826.*

I HAVE the honour to enclose the Diario Newspaper of the 2d instant, containing a Despatch from the Visconde de Inhambupe, Minister for Foreign Affairs, to the President of this Province, dated Rio de Janeiro, 14th July last, by which it appears that His Imperial Majesty has revoked the Order which was communicated to the President on the 4th of January last, prohibiting Vessels from touching at different Ports; this Prohibition it appears was obtained on a Representation from His Majesty's Chargé d'Affaires at Rio de Janeiro, alleging that the permission to touch at the Islands of St. Thomas and Princes, gave great facility to the illicit Traffick in Slaves.

I enclose a Translation of the above-mentioned Despatch from the Minister of Foreign Affairs.

(Signed)

WM. PENNELL.

*The Right Hon. George Canning,*  
*&c. &c. &c.*

P. S. The same Diario contains other Documents on the same subject, Translations of which I also transmit enclosed. (Signed) W. P.

First Enclosure in No. 66.

*The Viscount de Inhambupe to the President of the Province of Bahia.**Rio de Janeiro, July 14, 1826.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

HIS Majesty The Emperor, seeing the repeated Representations of the Chargé d'Affaires of His Britannick Majesty against certain Merchants, who he said, in order to deceive the constituted Authorities, availed themselves of fraudulent pretences of touching at different Ports to carry on the illicit Commerce in Slaves, resolved that such touchings, at different Ports, should be prohibited, which was communicated to your Excellency by a Despatch from this Office of the 4th of January of the present Year: well founded Representations from various Brazilian Merchants having, however, since come before the Imperial Presence, and the same August Lord, being persuaded that there could not arise any inconveniencies from the above-mentioned touching at different Ports, because a remedy is provided in the Treaty of Vienna of 22d of January 1815, and in the Additional Convention to the same Treaty of 28th of July 1817, and that the Prohibition was, in some degree, indecorous to the National dignity, His Imperial Majesty has thought fit benignantly to grant their Prayer, re-establishing what was before practised in this respect. This I communicate to your Excellency for your information and execution.

God preserve your Excellency.

(Signed)

VISCONDE DE INHAMBUPE.

*H. E. the Viscount de Queluz.*

Second Enclosure in No. 66.

(Translation.)

*The Viscount de Paranagua to the Viscount de Queluz.*

*Department of the Affairs of the Marine,  
Rio de Janeiro, July 19, 1826.*

SIR,

I TRANSMIT to your Excellency, for your information and government, the enclosed Copies, as well of the Notice sent to this Department, by the Minister and Secretary of State for Foreign Affairs, as of the Official Letter which the same Person addressed to the Chargé d'Affaires of His Britannick Majesty, whereby your Excellency will see re-established, by an Imperial Edict, the practice formerly observed concerning the Sea-ports frequented by Brazilian Ships in the Islands of St. Thomas and Princes.

God preserve your Excellency,

*H. E. the Viscount de Queluz.* (Signed) VISCONDE DE PARANAGUA.

Third Enclosure in No. 66.

(Translation.)

*The Viscount de Inhambupe to the Viscount de Paranagua.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

*Palace, July 14, 1826.*

I SEND enclosed to your Excellency the Copy of the Reply which I made to the Official Letter of His Britannick Majesty's Chargé d'Affaires, dated the 20th June, relative to the affair of the Schooner "*Arsenia*," and your Excellency will see thereby the definitive resolution which His Imperial Majesty The Emperor has thought fit to adopt, with regard to the Sea-ports frequented by Brazilian Ships in the Islands of St. Thomas and Princes, thus establishing the practice formerly observed.

God preserve your Excellency,

(Signed)

VISCONDE DE INHAMBUPE

*H. E. the Viscount de Paranagua.*

No. 67.

*Mr. Consul Pennell to Mr. Secretary Canning.—(Received Oct. 28.)*

SIR,

*Bahia, August 26, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 22d June last, relating to the Slave-trade.

I feel very sensibly the value of any commendation from you, and I am highly gratified by the notice you have been pleased to take of my communication with the Consul of France, on the subject of French Vessels trading to Africa North of the Line, and of my Despatch of the 5th November 1825, as regards the view which was then taken of the object of the Parties who employed the Vessel "*George and James*."

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) WM. PENNELL.

No. 68.

*Mr. Consul Pennell to Mr. Secretary Canning.—(Received Dec. 13.)*

(Extract.)

*Bahia, September 20, 1826.*

THE Vessel alluded to in my Despatch of the 16th November last, as expected from Philadelphia, arrived here on the 29th March last, under American Colours, having first touched on the Coast of Africa; she sailed again for Molemo, under Brazilian Colours, on the 3d June last; she is called the "*Prince of Guinea*," of 261 tons, was built at Philadelphia.

Another Vessel, called the "*Blackbird*," of 216 tons, arrived from Philadelphia the 1st May, under American Colours, is now under Brazilian, and is preparing for a voyage to the Coast of Africa.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) WM. PENNELL.

P.S.—For the purpose of accuracy, I submitted this Despatch to the perusal of the American Consul in this City, who confirms what I have stated with regard to the Vessels named the "*Prince of Guinea*" and the "*Blackbird*," (now the *Imperatriz*), as far as his knowledge and belief extends; he adds, that James D. Pratt, Merchant of Philadelphia, is the Contractor: the Vessel "*Prince of Guinea*" has been out so long, that she is supposed to have been captured by our Cruizers.

(Signed) W. P.

No. 69.

*Mr. Consul Pennell to Mr. Secretary Canning.—(Received Dec. 13.)*

SIR,

*Bahia, Sept. 21, 1826.*

WITH reference to my Despatch of 8th August, I have the honour to inform you, that the Vessels which have lately cleared out for Africa from hence have availed themselves of the Imperial Permission to take Licences to touch at the Islands of St. Thomas and Princes.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) WM. PENNELL.



## No. 70.

*Mr. Consul Pennell to Mr. Secretary Canning.—(Received Dec. 22.)*

SIR,

*Bahia, Oct. 24, 1826.*

I HAVE the honour to enclose a List of the Vessels which have been measured for Slaves, from the 1st January to the 30th September of the present Year, amounting to 21 Vessels, 3,553 tons, and authorized to carry 8,870 Slaves.

I also inclosed a List of the Slave-vessels which have sailed from hence from 1st January to 30th September, of this Year, amounting to 25 Vessels independent of the former List.

With few exceptions these Vessels are employed on the illicit Trade; the number is considerably increased this Year, to which the expectation of a total Abolition of the Trade by Treaty with England has probably contributed.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) WM. PENNELL.

First Enclosure in No. 70.

*List of Brazilian Vessels measured for Slaves in the Year 1826.*

Date of Measurement.	Description.	Name.	Owner.	Tons.	Slaves authorized to carry.	Date of Sailing.
January 12	Schooner -	Tentadora -	Luis Anto de Passo	207½	518	March 1.
" 19	Do. -	Nova Virgem -	Vicente de Paula -	103½	258	" 9.
February 15	Do. -	Marianna -	J. A. da C. Rios -	100½	251	" 25.
" "	Brig -	Delfina -	A. J. R. Valle -	145½	362	June 3.
April 28	Do. -	Principe de Guiné	Pedrozo -	286½	701	" 3.
June 9	Schooner -	Heroína -	M. C. dos Santos -	224½	560	July 12.
" "	Brig -	Tiberio -	J. A. da C. Rios -	229½	574	" 16.
July 14	Schooner -	Eclipse -	A. de P. da Cunha -	120½	301	September 5.
" "	Do. -	Victoria -	J. C. Lima -	107½	269	August 5.
" 19	Do. -	Tonnila -	J. A. C. da Silva -	30½	76	July 24.
August 8	Smack -	S. Joao Vencedor	J. J. de Sampaio -	167½	418	September 10.
" "	Brig -	Victoria -	Vicente de Paula -	191½	478	August 5.
" "	Schooner -	Caçador -	J. V. Moreira -	191	477	
" 12	Do. -	Independencia -	J. C. Lima -	201	502	August 27.
" 22	Do. -	Venus -	Pedrozo -	133	332	
" "	Smack -	Desengano -	F. J. da S. Borges -	156½	391	
" 26	Schooner -	Sta Ephigenia -	I. I. de Oliveira -	171½	428	September 9.
September 12	Brig -	Imperatriz -	Pedrozo -	275	687	October 1.
" "	Schooner -	Zepherina -	Franco S. Paraizo -	162½	406	September 27.
" 26	Smack -	Sto Amaro -	I. P. C. da Cunha -	171½	428	
" 30	Brig -	Comerciante -	I. I. Teixeira -	181½	453	
21 VESSELS.				Total -	3,553	8,870

## Second Enclosure in No. 70.

*List of Slave Vessels sailed from Bahia in the Year 1826.*

Sailed.	Name of Vessel.	Master.	Where Bound.
January 1	Maria da Gloria - - -	J. D. da Sa Porto - - -	Molembo.
" 8	Providencia Angelica - - -	Joao Mora de Lima - - -	Ambris.
" 28	Aritoria - - -	Joze Maria Alves - - -	Coast of Africa.
February 4	Brinquedo de Meninos - - -	Felis da Sa Lisboa - - -	Molembo.
" 12	Dois Amigos - - -	Joze Joaquim Ladislao - - -	Do.
" 19	Carlotta - - -	Joao Franco da Costa - - -	Do.
" 26	Conceicao Telegrafo - - -	Joaquim Gonçalves - - -	Do.
March 1	Sao Benedito - - -	Joao Sabino - - -	Do.
" 20	Ja Rosalia - - -	Joze Machado - - -	Do.
April 12	Emilia - - -	Estevao Nonato Ferrã - - -	Ambris.
May 15	Boa hora - - -	Joao Dias de Carvalho - - -	Coast of Africa.
" 20	Bahia - - -	Franco Gomez de Almida - - -	Do.
" 29	S. Joao Espadarte - - -	Mastinro Je Baptiste - - -	Molembo.
June 9	Na Snra do Monte do Carmo - - -	Mel Joaqm de Noronha - - -	Ambris.
" 17	S. Joao Voador - - -	Mel dos Stos da Costa - - -	Molembo.
" 24	Henriquetta - - -	Joao Cardozo dos Santos - - -	Do.
July 4	Conceicao da Maria - - -	Joao Pinto de Soiza - - -	Do.
" 6	Gracioza - - -	Mel Simcens da Sa - - -	Coast of Africa.
" 19	Bom Successo - - -	Mathias Bapta de Caroo - - -	Molembo.
" 24	Novo Brillhante - - -	Caetano Alberto da França - - -	Coast of Africa.
" 31	Caridade - - -	Joze Roetz Ferreira - - -	Molembo.
August 14	Carlotta - - -	Joze Franco da Costa - - -	Do.
September 9	Maria da Gloria - - -	Joao Diogo - - -	Do.
" 22	Esperança - - -	Vicente Ferra do Vale - - -	Do.
" 24	Bom Fim - - -	Joao Jose da Foncea - - -	Ambris.

25 VESSELS.

## No. 71.

*Mr. Secretary Canning to Mr. Consul Pennell.*

SIR,

*Foreign Office, December 30, 1826.*

YOUR Despatches of this Series, up to the 24th of October, have been duly received.

You will continue to watch over any transactions having apparently for their object illicit Slave-trade, in whatever shape, or under whatever pretext, they may present themselves.

You will make representations to the Local Authorities on all those transactions of the nature referred to, which may come under your notice, and you will earnestly, but temperately, request the interference of those Authorities to prevent infractions of the Compacts in force between the two Countries upon this subject.

You will furnish His Majesty's Envoy at Rio de Janeiro with the details of these proceedings, requesting him to take such measures as may seem to him expedient with the Brazilian Government; and you will send to me Copies of the Correspondence which shall pass on those occasions.

I am, &amp;c.

*William Pennell, Esq.*

(Signed)

GEORGE CANNING.

## No. 72.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received May 15.)*

SIR,

*Consul's Office, Maranhã, March 8, 1826.*

I HAVE the honour to enclose Copies of two Despatches addressed to His Majesty's Consul-General at Rio de Janeiro, viz. one on the 25th, and

the other on the 28th ultimo, respecting the Schooner "*Carolina*," which Vessel arrived at this Port last January, with 133 Slaves, from Cacheo.

The above mentioned Despatches, and their Enclosures, set forth most of the particulars of the "*Carolina's*" Voyage; and detail the steps which, up to the 28th ultimo, I took, in order that the Treaty for the Abolition of the Slave-trade to the Northward of the Line, should not be evaded.

From these Enclosures it will be seen that his Excellency the President of this Province, evinced something like reluctance to enforce the Law so palpably applicable to this Case, adopting instead, the measure of merely requiring a Bond before the Slaves should be sold. I have the honour to enclose a Translation of the Order issued by his Excellency on this point; but no Person was found willing to give the Bond, and the President was petitioned to abandon even this precaution.

Since the 28th ultimo I had prepared a very strong remonstrance to his Excellency, founded on the Evidence in the Documents of the "*Carolina*;" but I daily refrained from sending it, anxious not to do more in the matter than was consistent with a due discharge of my duty, and a respectful line of conduct towards the Chief Authority; and being also hopeful that his Excellency might ultimately become alive to the responsibility accruing to him, from the clemency displayed towards the Persons guilty of this glaring infraction of the Treaty.

I have now the satisfaction to state, that, without any further representation from me, his Excellency appears to have felt the seriousness of the Case in question; that I have ascertained satisfactorily that the Case of the "*Carolina*" was delivered over to the competent judicial Tribunal; and that the Law having been thus allowed to take its course, both that Vessel and the Slaves were seized on the 6th instant.

Legal proceedings are now instituted, in conformity to the Alvarà of the 26th January 1818, this Alvarà upholding the Stipulations of the Treaty.

I shall be mindful to transmit a full Report of the pending Legal Proceedings, and of their result.

In the mean time I regret to state, that nearly half of the Slaves are said to be in very bad health, and that some deaths have occurred; but on all these particulars I shall obtain exact information, transmitting it by the first opportunity. I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) **ROBERT HESKETH.**  
&c. &c. &c.

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First Enclosure in No. 72.

*Mr. Consul Hesketh to Mr. Consul-General Chamberlain.*

SIR,

*Maranham, February 25, 1826.*

I HAVE to make known, that, on the 25th of January last, a small Schooner, under Brazilian Colours, called the "*Carolina*," Victor Nobre de Brito, Master, arrived at this Port from Cacheo, with 133 Slaves on board, 2 having died during the passage.

The Master reported that he was bound from Cacheo to one of the Cape de Verd Islands, but having been chased by a Cruizer, which he fancied was a Privateer, he made for this Port.

The information I have collected is, that this Schooner sailed from Pará some time ago, bound to Gibraltar, but whether she arrived at the Port of her destination, and afterwards went to Lisbon, as reported to me privately, I cannot ascertain satisfactorily; however, she ultimately arrived at Cacheo, and thence departed with the 135 Slaves for the Island of St. Jago, without a regular Passport.

I have also ascertained that the Slaves belong to the Heirs of the late João Pereira Barreto, of Cacheo; that they were reported to be domestick Slaves,

and that their Consignee in this Port, Antonio Francisco de Azevedo, declared that they were for sale.

On the arrival of the "Carolina," she was put under quarantine, owing to the small-pox amongst the Slaves, who were afterwards landed and put into a Lazaretto.

Nothing further was done towards the sale of the Negroes, but, on the 30th of January, the Schooner was regularly entered at the Custom-House, upon which I addressed a Note, on the same day, to his Excellency the President, an Answer to which was returned on the following day; Copies of both which I have the honour to enclose.

An Investigation or "Devasa" was then ordered by the President, upon the "Carolina's" voyage; but its only result at present known to me is, an Order his Excellency sent to the Custom-House on the 18th instant, directing that the Slaves should be admitted to entry, on Bond being first given to their value, and that of the Schooner; but no Person has come forward to give the Bond up to this date.

Having been assured by the Consignee, that the Slaves imported by the "Carolina" were destined for sale, I conceived it my duty again to address his Excellency on the 18th instant, stating that I must report the Case, and asking for Copies of the "Carolina's" Passports, or any Documents which could justify those proceedings.

I enclose a Copy of that Application, to which no Answer has been yet returned.

I expect that these Documents will be ultimately sent to me, and I shall transmit them by this conveyance if I receive them in time; but I fear that they may be designedly kept back till the departure of the present opportunity, because I perceive a very general disposition to evade the Law which is applicable to this very glaring infraction of the Treaty.

On the receipt of the Documents, I expect to be again called upon to make another representation to the President, founded on clear proof of the illegality of the "Carolina's" voyage; and I shall do so with the view of inducing his Excellency, not to abandon the demand for the Bond, because, though proceedings founded on the Alvarà of the 26th of January 1818, are not likely to be commenced, still the required Bond is at least an acknowledgement of irregularity in that Vessel's voyage, and will, I trust, act as an impediment to the sale of the Negroes, until the result of your Representations on this Case at the Court of Rio de Janeiro may be felt here.

I have the honour to be, &c.

Henry Chamberlain, Esq.

(Signed)

ROBERT HESKETH.

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First Enclosure (A.) in No. 72.

*Mr. Consul Hesketh to the President of the Province of Maranhão.*

*Maranhão, January 30, 1826.*

HIS Excellency the Most Illustrious Senhor Pedro José da Costa Barros, President and Military Governor of the Province of Maranhão, &c. is made acquainted by the Undersigned, His Britannick Majesty's Consul at this Port, that a Schooner, called the "Carolina," Victor Nobre de Brito, Master, has lately arrived from Cacheo with a Cargo of Slaves, under the most suspicious circumstances as to the legality of the voyage, and that, notwithstanding, the Vessel in question was this Morning admitted to entry at the Custom-House.

On these facts reaching his Excellency, the Undersigned feels confident that the requisite steps will be ordained by his Excellency, in conformity with the existing Treaty for the Abolition of the illicit Traffick in Slaves.

(Signed)

ROBERT HESKETH.

*His Excellency Pedro José da Costa Barros.*

First Enclosure (B.) in No. 72.

(Translation.)

*The President of the Province of Maranhão to Mr. Consul Hesketh.*

SIR,

Maranhão, January 31, 1826.

I HAVE received your Despatch, dated yesterday, to which I answer, that I respect as much the Treaty for the Abolition of the illicit Slave-trade, as you desire to fulfil it; and that, as I am a faithful Administrator of the Laws of my Sovereign, I shall cause them to be administered to their fullest extent. You, Sir, may rest assured, that I shall do you all justice, in the event of the Schooner "*Carolina*," lately arrived at this Port, being found implicated in the said Treaty.

God preserve you.

(Signed)

PEDRO JOSE DA COSTA BARROS.

*Robert Hesketh, Esq.*

First Enclosure (C.) in No. 72.

*Mr. Consul Hesketh to the President of the Province of Maranhão.*

SIR,

Maranhão, February 18, 1826.

HAVING been informed that your Excellency has allowed to be passed through the Custom-House (preparatory to their sale) the Slaves brought by the Schooner "*Carolina*" from Cacheo, on Bond to their value, and that of the Schooner, being first given; it becomes my duty to report this Case to His Britannick Majesty's Government.

For that purpose I have to solicit that your Excellency may be pleased to order, that I be furnished with Copies of the Passport or Passports of the Schooner "*Carolina*," as well as of any Licence, or "*Avizo*," or any other Document with which that Vessel may have been provided with the object of legalising this importation of Slaves.

I have the honour to be, &amp;c.

(Signed)

ROBERT HESKETH.

*His Excellency Pedro José da Costa Barros.*

Second Enclosure in No. 72.

*Mr. Consul Hesketh to Mr. Consul-General Chamberlain.*

SIR,

Maranhão, February 28, 1826.

IN reference to my Despatch, dated the 25th instant, transmitted herewith, I have to make known the Answer his Excellency the President returned to my request, for Copies of all the Documents belonging to the Schooner "*Carolina*," enclosing for that purpose a Copy of his Excellency's Note, dated yesterday.

I also beg leave to enclose Copies of the Documents transmitted, being 9 in number, having now barely time cursorily to refer to them in their order.

From the Certificate, proving that an *Avizo* was granted in Rio de Janeiro, on the 4th of April 1817, to João Pereira Barreto, for a very clear and specific purpose, viz.—the removal of his family and domesticks, it appears, that such Licence or "*Avizo*" is now taken to bestow an exclusive right (inherited by Barreto's descendants) to export, in the face of all Treaties, any quantity of Slaves from Cacheo, for the purpose of Traffick, so long as they are termed domestick Slaves; this Qualification being applied, although the Slaves are openly declared to be sent solely for the object of Trade; indeed, so much so, that a Bond to produce these domesticks, during even a short period, is not obtainable.



The "Carolina" sailed from Parà to Gibraltar, as the Copy of her Passport shows, but there is no proof but that that Vessel proceeded, instead, direct to Cacheco; and from what has been reported to me, it is very doubtful whether the true Owner, instead of "Fernando José de Silva," is not a Person resident in Lisbon.

There is no proof but that the Brig "Apollo" has already performed her voyage from Cacheco to St. Jago, with the 300 Slaves, according to the Passport now shown as an authority for the "Carolina." But putting aside that doubt, it appears that even the Passports, like the "Avizo," are attempted to be generalized, and that every regulation in that particular, is totally disregarded in the present case.

From the Copy of the Muster Roll, there appear 21 Persons, including the Master, as the Crew of the "Carolina," a Schooner of about 90 tons burthen; but of this Crew 9 are Blacks, which Negroes are no doubt all destined for sale; such practices having existed here when Vessels arrive from that part of Africa with wax, ivory, &c.; and a reference to their ages, and time of being at Sea, will prove this suspicion reasonable.

The Copy of the Protest, said to be made at Sea, shews, firstly, that the "Carolina" is called a Portuguese Schooner by her Officers, and secondly, that when the Cruiser was seen, the wind was so strong, that the Vessel could not, after a 12 hours run to leeward, fetch into the Port of her destination. On the first, I have already recorded my doubts as to the Owners of the Vessel; and on the second point, I have to observe, that one of the Crew declared to me, that when the suspicious sail was seen, it was calm, and that the "Carolina" escaped by sweeping. I never could learn a description of the Cruiser, and therefore think the whole a fabrication.

The Copy of the Manifest merely shews, that these domestick Slaves were reported in the same way as untaught Negroes.

From the Report of the Chief Officer of the Custom-House (Cid), it will be seen how ignorant and regardless he is of the Stipulations of the Treaty for abolishing the Trade to the Northward of the Line; and what futile arguments he produces to support the interests of those concerned in the "Carolina's" voyage, for whose success he moreover evinces some desire.

The Judicial Report is inconclusive, because the Authorities have evaded a proper investigation. I have the honour to be, &c.

H. Chamberlain, Esq. (Signed) ROBERT HESKETH.

(Note.) Since the above Despatch was sent to Rio de Janeiro, I have been informed that the tonnage of the Schooner "Carolina" is from 60 to 70 tons.

(Signed) R. H.

Second Enclosure (A.) in No. 72. (Translation.)

*The President of the Province of Maranhão to Mr. Consul Hesketh.*

SIR, Maranhão, February 27, 1826.

IN answer to your Despatch of the 18th instant, I transmit Copies of all the Documents relative to the Slaves brought from Cacheu by the Schooner "Carolina," belonging to the Widow and Sons of Major John Pereira Barreto.

God preserve you.

(Signed) PEDRO JOZE DA COSTA BARROS.

Robert Hesketh, Esq.

Second Enclosure (B.) in No. 72. (Translation.)

*Certificate of the Secretary of Government of Maranhão.*

I, JOAQUIM FERREIRA FRANCA, Civil and Military Secretary of the Province of Maranhão, &c. certify, in fulfilment of Orders, that there does not exist, in the Archives of this Secretary, any Royal "Avizo" relative to the defunct Major João Pereira Barreto, but that there is the following Certificate, issued from the Secretary of Government of the General Captain-

ship of Cape de Verd, viz:—I, Jeronimo Martins Salgado, First Lieutenant of the Royal Corps of Engineers, Aide de-Camp and Secretary, *ad interim*, of the Government of the Captainship of Cape de Verd, &c. certify, that, on examining the Book, No. 22, in which are registered the Avizos, sent from the Secretary of State's Office to this Government, there is registered, in page 165, an Avizo relating to the Petitioner, who has prayed for a Copy, and which is of the following tenour: The King our Lord, taking notice of what has been represented by "Sargento Mor," Joaõ Pereira Barreto, a Merchant, established in the Port of Cacheu, is pleased to concede unto him permission to go to the City of Maranham to attend to his health, taking with him his Sons, Manoel Francisco Caldas and Antonio Pereira Barreto, each of them being allowed to take all the Persons belonging to his family, and respective Slaves; all which I communicate to you, in order that, in conformity therewith, you may issue the requisite orders, so that the execution of this my Royal determination must not meet any obstacle from the necessity of proceeding in any new investigation, on events which recently occurred in that Port, and about which the above-mentioned Joaõ Pereira Barreto, his Sons, or any other Person of their respective families, ought still to be questioned, because, if needful, His Majesty will order them to be interrogated in the City of Maranham. God preserve you.

(Signed) CONDE DA BARCA.

*Palace of Rio de Janeiro, 4th April 1817.*

*Senhor Dom Antonio Coutinho de Lencastre.*

That Avizo, which I have thus faithfully copied from the proper Register, did not contain any thing further, to which Register I refer, and being thus in conformity with the Order, this is sealed with the Government Seal of this Captainship, for the purpose of greater validity and complete credit.

Secretary of Government, 14th April 1818,

(Signed) JERONIMO MARTINS SALGADO.

The above being all the contents of the said Certificate, to which I refer, Maranhao, Secretary of Government, 31st January 1826.

(Signed) JOAQUIM FERREIRA FRANCA.

Second Enclosure (C.) in No. 72. (Translation.)

*Passport of the Brazilian Schooner "Carolina."*

I, JOZE DE ARAUJO ROZO, President of the Province of Parà, make known unto all who may see this Passport, that there departs from this Port, on a voyage to that of Gibraltar, and from thence to return to this Port, the Brazilian Schooner "Carolina," Victor Nobre de Brito, Master, and Fernando Joze da Silva, Owner, in conformity to what was proved in the Secretary of this Government; the said mentioned Persons being Subjects of this Empire, no Foreigners having any share in the said Schooner; and because this Schooner may be met on her outward or homeward voyage by the Commanders and Officers of Ships-of-War, or other Vessels belonging to this Empire,—The Emperor of Brazil ordains that they do not put any impediment, and recommends to those of the Navies, Fleets, and other Vessels belonging to Kings, Princes, Republicks, Potentates, Friends and Allies of this Crown, that they do not oppose the said voyage, but rather promote it, by rendering any needful assistance or favour, in the certainty that recommendations of their Princes will meet the same and equal treatment. In testimony of which this Passport is granted, signed by the President of this Province, and sealed with the Imperial Arms.

Given at the Imperial Palace of Parà, 17th of March, in the Year of our Lord 1825.

(L. S.) (Signed) JOZE DE ARAUJO ROZO, President.

By order of his Excellency,

(Signed) MANOEL RAMOS DE CARVALHO.

Second Enclosure (D.) in No. 72.

(Translation.)

*Passport of Doña Roza de Carvalho Alvarenga.*

JOHN DA MATTA CHAPUZET, Commendador of the Order of Christ, and Knight of the Orders of St. Bento d'Aviz, and of the Tower and Sword, Colonel in the Chief Staff of the Army, President of the Junta "da Real Fazenda," and Governor and Captain-General of the Province of Cape de Verd, in the Name of His Most Faithful Majesty The King Our Lord, who God preserve, makes known unto all who may see this Passport, that *Dona Roza de Carvalho Alvarenga* proceeds from the District of Cacheu to the Island of St. Jago, the Capital of the Province of Cape de Verd, there to meet her Husband, the Sargento Mor, Joao Pereira Barreto, who is there so grievously infirm as to be unable to proceed to Cacheu, and intends to establish himself in the said Island of St. Jago. There proceeds also with the said Dona Roza de Carvalho Alvarenga, her family, consisting of 300 Persons, more or less, the whole on board the Portuguese Brig "Apollo," of which the Lieutenant in the Royal Navy, Mauricio Joze Alves, is Master. And in order that no impediment may arise, I have granted this present Passport, signed by me, and sealed with the Royal Arms. Given and executed at Head Quarters, in this Island of Praia, 26th January 1824.

(L. S.) (Signed) JOAO DA MATTA CHAPUZET,  
Colonel and Governor of the Province.

By order of his Excellency,

(Signed) JOZE NASCENTES PINTO LOARES GOMES DE PAIVA,  
Secretary of the Government of the Province.

Second Enclosure (E.) in No. 72.

(Translation.)

*Muster Roll of the Schooner "Carolina" on a Voyage to the Port of Cape de Verd, and Ports in the Brazils, viz.*

Stations.	Names.	Nativity.	State.	Age.	Term of being at Sea.
Master	Victor Nobre de Brito	Lisbon	Single	32	20 Years.
Mate	Francisco de Panla Brito	Do.	Do.	20	8 "
Boatswain	Joaquim Joze da Silva	Do.	Do.	30	14 "
Steward	Marcellino Joze	Do.	Married	39	18 "
Carpenter	Gabriel Pereira, (a Black)	Bissau	Single	23	7 "
Caulker	Joze Pereira da Costa, (Do.)	Do.	Do.	25	6 "
Cook	Joaquim Pedro, (Do.)	Cabinda	Do.	20	8 "
Seaman	Antonio Carlos	Lisbon	Do.	24	6 "
Do.	Francisco Joze	Do.	Married	39	18 "
Do.	Joze Pereira da Silva	Alvarenga	Single	24	6 "
Do.	Joze Francisco	Lisbon	Married	43	26 "
Do.	Joze Dias	Do.	Single	30	18 "
Do.	Jacob Elena	Genoa	Do.	18	11 "
Do.	José Masse	Poland	Do.	20	8 "
Do.	Francisco Pionçon	Do.	Do.	24	10 "
Ordinary	Manoel Joze, (a Black)	Cape de Verd	Do.	28	3 "
Do.	Joao de Cano (Do.)	Cacheu	Do.	14	2 "
Do.	Domingos da Costa (Do.)	Cape de Verd	Do.	12	2 "
Do.	Ventura de Brito (Do.)	Cacheu	Do.	10	2 "
Do.	Joao de Andrade (Do.)	Tarim	Do.	22	3 "
Do.	Lino Pereira Alvarenga (Do.)	Do.	Do.	14	1st Voyage.

Head Quarters, Cacheu, January 5, 1826.

(Signed) MANOEL NICOLAO PACHECO,  
Secretary of the Government.



Second Enclosure (F.) in No. 72. (Translation.)

*Protest of the Master and Crew of the "Carolina."*

Protest against Cruizing Vessels, done on board the Schooner "*Carolina*,"  
Victor Nobre de Brito, Master, as under declared.

WE, the Undersigned, Master, Officers and Crew of the Portuguese Schooner, called the "*Carolina*," did sail from the Port of Cacheu, on board the said Schooner on the 6th day of January instant, bound to Villa da Praia, in the Islands of Cape de Verd, with 134 Domesticks, belonging to the family of Dona Roza de Carvalho Alvarenga and her Sons, with a Passport granted for this purpose by the Governor-General of the Province of Cape de Verd.

Continuing thus our voyage, on the 11th instant, about 8 o'Clock in the Morning, being in Latitude 9. 7. 47. and Longitude 23. 37. 11., we discovered a Vessel to Windward, which coming down upon us before the wind, became suspicious, and we directly concluding she was chasing, bore away immediately under all sail; and though we were chased until dark, still in the Morning of the following day, the 12th instant, we could not see the chasing Vessel. And as by these means we found ourselves much to Leeward, as can be proved by our Maritime Journals, we agreed, solely on account of the risk to our lives, to the cargo, and to the property on board, to alter our voyage to some of the Leeward Ports of the Empire of Brazil; in the mean time protesting at once against Cruizing Vessels, whether friends or enemies, against the winds and seas, and any other thing which may prejudice or deteriorate our first intended voyage; and in order that there may not be any thing to create doubt at any Port wherein we may enter, we have drawn up the present Protest, which we have all signed on board of the Schooner "*Carolina*," on a voyage from Cacheu to some Port in the Empire of Brazil, this 12th day of January 1826.

(Signed) FRANCISCO DE PAULA BRITO, Pilot.  
JOAQUIM JOZE DA SILVA, Boatswain.  
JOZE FRANCISCO.  
GIACOMO ELLENA.  
JOZE PEREIRA DA SILVA.  
ANTONIO CARROLOS.  
MARCELLINO JOZE.  
JOZE DIAS.  
FRANCISCO JOZE.  
F. PONCON.  
JOSEFE MASSE THOMAS.

N.B. The Master's Signature does not appear.

Second Enclosure (G.) in No. 72. (Translation.)

*Manifest of the Cargo brought by the Brazilian Schooner "Carolina" Victor Nobre de Brito, Master, put into this Port while on a voyage from Cacheu to the Island of St. Jago, in the Cape de Verd.*

133 Domestick Slaves, in the service of Dona Roza de Carvalho de Alvarenga and Sons.

I declare that I sailed from Cacheu with 135 Slaves, and that 2 died on the voyage.

*Maranhao, January 28, 1826.* (Signed) VICTOR NOBRE DE BRITO.

Second Enclosure (H.) in No. 72. (Translation.)

*Report of the Superintendent of Customs at Maranham.*

**MOST ILLUTRIOUS AND EXCELLENT SIR,**

IN fulfilment of the Order, dated 30th of the preceding Month, I have the honour to acquaint your Excellency with the following, regarding the Petition of Manoel Pereira Barreto. The Master of the Brazilian Schooner "*Carolina*," made a regular entry at this Custom-House, presenting the Passport No. 16, the Muster Roll of that Schooner's Crew, on departing from Cacheu to the Port of Cape de Verd, and Ports in the Brazil; the Act of Protest on said Vessel's coming to this Port; the Passport or Licence granted for Dona Roza de Carvalho Alvarenga, Wife of the Major John Pereira Barreto, and for 300 Persons of her Family, dated the 26th January 1824; and finally, the Manifest of 133 living Slaves, domesticks of the said Dona Roza de Carvalho; all which Documents, although I believe they have already been presented at the Secretary's Office, I nevertheless now again annex, in order that they may be examined if needful.

It is not in my power to acquaint your Excellency with any thing relative to the Law in the present case, because, upon this matter, there does not exist in this Department, either the Treaty of the 22d of January 1815, which prohibits the Slave-trade to the Northward of the Equator, or the Alvaras of 1813 and 1818, relative to Vessels destined for that Trade. I therefore limit myself simply to the fact. From the Passport of the Schooner in question, it does not appear that she was either fitted or destined for the illicit Trade in Slaves; she is otherwise a Vessel of a small class and wanting the requisite accommodations and conveniences for a long voyage, but she appears to be adapted as a Transport for a short voyage, such as from Cacheu to the Island of St. Jago. The same Passport shews that the Owner is a Subject of this Empire, and finally, the Licence or Passport for the Family removed, although of a very old date, and for another Vessel, nevertheless when presented and accompanied by the Petitioner, corroborates and proves the identity of the Slaves and their Owners. It has been the constant practice at this Custom-House not to proceed in giving entry, or allowing the landing of any Slaves, without an Order from their Excellencies the former Governors, and, with regard to the admission of the Domestick Slaves, which have been imported by virtue of Passports and Royal Licences from the Ports of Bissau, Cacheu, and Island of St. Jago, in the Cape de Verd; by the annexed List I acquaint your Excellency with the respective quantities of Slaves which have been admitted, and amongst them with all those belonging to the defunct Father of the Petitioner; such Passports having without doubt been granted, because the Slaves were domesticks belonging to Persons who were either settled, or in publick employment, at those Ports, and who form conditional exceptions in the said Treaty of 1815. This is all the information I can give, and your Excellency will be pleased to decide.

*Custom-House at Maranham, February 1, 1826.*

(Signed) JOAO JOZE DE MORAES, Cid.

Second Enclosure (I.) in No. 72. (Translation.)

*List of Slaves from the Ports of Bissau, Cacheu, and St. Jago in the Island of Cape de Verd, admitted to entry at the Custom-House of Maranham, by virtue of Orders from their Excellencies the Governors and Captains-General.*

Date of Entry.	Description of Vessels.	Name of Vessels.	Whence.	Consignees.	Owners of Slaves.	No. of Slaves.	Remarks.
1819. Jan. 28	Brig	Sao Joao Venturozo	Cacheu	Caetano Joze Teixeira	Joao Pereira Barreto	203	All these Slaves were entered as Domesticicks, but the whole were openly sold, like any other Slaves. * These Slaves were called Domesticicks; were not entered at the Custom-House; paid no Duty, but were ultimately sold some time after.
March 5	Schooner	Pomba Feliz	St. Jago	The Owner of the Slaves	Luiz Antonio Esteves Freire	43	
June 5	Do.	Donna Anna	Do.	Do.	Dezot. Joze Leandro da Silva	125*	
August 5	Brig	Aurora	Cacheu	Antonio Joze Pinto	Joao Pereira Barreto	204	
" 9	Schooner	Feliz Ventura	Do.	Do.	Do.	162	
1821. Oct. 6	Brig	Apollo	Do.	Do.	Do.	231	
Nov. 27	Do.	Maria	St. Jago	" "	Joaquim Antonio de Mattos	84	
1822. July 26	Do.	General Dom Antonio	Bissau	" "	Joze Joaquim Pereira Barreto	224	
August 19	Do.	Maria	Do.	" "	Joaquim Antonio de Mattos 112 Major Jn. Hygino Curvo. 18	130	
1823. April 9	Schooner	Liberal	St. Jago	" "	Luiz Antonio de Araujo	118	
June 10	Brig	Maria	Bissau	" "	Luiz Antonio de Silva	212	Imported by Joao Pereira Barreto and his Sons.
						1736	
						1024	
						712	

*Custom-House, Maranham, February 1, 1826.*

(Signed) JOAO JOZE DE MORAES, Cid.

Second Enclosure (J.) in No. 72. (Translation.)

*Judicial Report.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

IN virtue of the most respected Order of your Excellency, dated 3d instant, and annexed to the Petition of Manoel Pereira Barreto, I went to the Place called "Bomfim," in company with the Scrivener of my Department, Justino Damazo Saldanha, to the end of examining the Slaves landed out of the Brazilian Schooner "*Carolina*," from Cacheu. I began by examining the three Witnesses, as stated in the Act of Process annexed, not examining more of the Crew, because they had left this Port in another Vessel (as stated by the Consignee of the said Schooner, Antonio Francisco de Azevedo.) Afterwards proceeding to examine the Slaves, I found that none could speak the

Portuguese language, although they were not quite untought Negroes, but I found that they, for the most part, spoke the Creole language, which is common in the District of Cacheu, a great part being Creoles born there, and who, on being asked in that language by a Negro accidentally present, declared that they belonged to Donna Roza de Carvalho Albuquerque, [Alvarenga,] and her Sons, and were going to their Estate in St. Jago, in the Cape de Verd. This is what I can inform your Excellency, who will determine what may be according to justice.

Maranham, February 10, 1826.

(Signed) DOMINGOS JOZE RODRIGUES DE SA. VIANNA.

The Secretary of Government,

(Signed) JOAQUIM FERREIRA FRANÇA.

*Mem.*—The Act of Process is not copied or translated, because it is very voluminous, and does not contain any further evidence or fact.

(Signed) ROBERT HESKETH.

Second Enclosure (K.) in No. 72. (Translation.)

*Order of the President of Maranham, regarding the Entry of the Slaves brought by the "Carolina."*

IT appearing from the Act of Investigation, which I ordered to be instituted by the Judge of the Custom-House of this City, and which remains in the Secretary's Office of this Government, that the Slaves brought by the Brazilian Schooner "*Carolina*," belong to the Widow and Sons of Major Joao Pereira Barreto; these Slaves being accompanied by one of those Sons, Manoel Pereira Barreto, and that they were obtained *bond fide*, the Administrator of the Custom-House will admit them to entry ("a despacho,") in virtue of the Avizo, which will be presented to him by the said Manoel Pereira Barreto, giving at the same time satisfactory Bond for the Slaves, Schooner, and any Cargo which may be on board. In this manner let it be executed.

(Signed) BARROS, President.

Maranham, Government-House, February 15, 1826.

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No. 73.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received May 15.)*

SIR,

Maranham, March 9, 1826.

AS it will appear from the Reports of the Trade at Maranham, that there have been more Slaves imported during 1825, than was the case in the preceding Year, I have the honour to state, that these Slaves were for the chief part sent here, in consequence of the great scarcity of Provisions in the Province of Ceará, and not for the purpose of Traffick, distress having forced their Masters reluctantly to part with them.

I beg leave to enclose a Copy of the Annual Statement transmitted to His Majesty's Consul-General, at Rio de Janeiro,\* detailing all the particulars of the Importation of Slaves into Maranham, during the Year 1825.

I have the honour to be, &c.

*The Right Hon. George Canning.* (Signed) ROBERT HESKETH.  
&c. &c. &c.

\* See Second Enclosure in No. 42.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received May 15.)*

(Extract.)

Maranham, March 11, 1826.

HAVING on the 8th instant had the honour to report the Case of the "*Carolina*," the detention of the Vessel carrying that Despatch, enables me to add the following particulars :

When the Slaves were seized, on the 6th instant, by the Legal Authority, only 113 were found, the Owner stating that the 20 Negroes who were missing had died\*.

To day I am informed that, out of the number seized, 3 Negroes have since died, and that, of the 110 now living, 77 are deposited in this Town, and 33 remain sick at the Lazaretto†.

I suspect that the greatest portion of the 23 Negroes said to be dead, have been sold ; and I am attempting to investigate satisfactorily the truth.

*The Right Hon. George Canning,* (Signed) **ROBERT HESKETH.**  
&c. &c. &c.

\* 133 landed  
113 seized on 6th March  
—  
20 reported to have died before  
seizure.

† 77 at Maranham  
36 left sick at Lazaretto  
—  
113 alive on 6th March  
3 reported dead since  
—  
110 living 11th March.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received June 6.)*

(Extract.)

Maranham, April 17, 1826.

THE last Communication which I had the honour to make respecting the Negroes landed from the Schooner "*Carolina*," was in the Despatch, dated March 11th of the present Year.

On the 13th of March, I succeeded in ascertaining from the Negroes themselves, who were landed from the "*Carolina*," that, up to that date, only 11 had died, and that 12 were removed alive, making together 23 Negroes, the number reported to me as dead, when my last Communication was transmitted. On the following day I addressed to his Excellency the President, a Letter, complaining of those irregularities, a Copy of which I beg leave to enclose.

I also enclose a Translation of his Excellency's Reply, and also of the Admonition sent by the President to the Judge.

As I found that his Excellency was doubtful how far the Slave Treaties with His Most Faithful Majesty were now acted upon at the Port of Rio de Janeiro, I sent to his Excellency, with my Despatch, Copies of the Correspondence and Documents, in the 61st and 62d pages of the Slave-trade Papers, marked (B), presented to Parliament in the Year 1825 : those Copies were transmitted to the Ouvidor, and are alluded to in the Admonition.

On the Night of the 15th of March I had information where 2 of the Negroes landed from the "*Carolina*," (and some of those reported as dead) were concealed : by applying to the President they were apprehended, and again sent to the Deposit. Notwithstanding this occurrence, and the allusion I made to the President, of the improper conduct of the Ouvidor's subordinate Officer, and of the Person who had charge of the Negroes, both these Individuals continue in their Situations ; and when the 2 Negroes were found, it was asserted that they were part of the 9 Slaves included in the Crew of the "*Carolina*."

As I humbly conceive that all the Slaves shipped on board the "*Carolina*" at Cacheo, are to be dealt with alike, I addressed a Note to the President on the 20th of March, a Copy of which, and a Translation of the Answer, I also enclose.

I am informed that the Caulker and Carpenter of the "Carolina," who are both Slaves, were sold, and I have well-founded hopes of discovering the Purchasers of those 2 Negroes, as well as 10 more.

On the 21st March, I made a full Report of all these occurrences to His Majesty's Consul-General at Rio de Janeiro, transmitting Copies of what I had the honour to communicate to the Foreign Office, up to the 11th of that Month. At the time my Despatch was sent to Rio de Janeiro, it was currently reported, that the Case of the "Carolina" would be sent at once for decision to the Mixed Commission in that Port; but it has proved otherwise, the Parties having brought it before the Relaçam of this City. Being anxious to Report the latest Proceedings in the Case of the "Carolina," I addressed a Letter on the 14th instant to the President, asking for information, as to the decision of the Relaçam, and the number of all the Negroes now in the Deposit, including those landed as part of the Cargo, and those in the Muster-Roll of the Crew; but I regret to add, that the Answer which was sent, a Translation of which I enclose, is very unsatisfactory on both points, the decision being still delayed, and a clear and correct statement respecting the Negroes evaded.

In the statement there is no reference to the 133 Negroes originally landed, and it is made to appear that 5 more Negroes have died since my last Report, dated the 11th ultimo; the total number in the Deposit being on the 14th instant only 105, independent of the 2 Negroes which are still declared to belong to the Crew.

I have acquainted the Consul-General, that the Master and Second Officer of the "Carolina" were put into confinement on the 16th of March, but, from what is occurring with regard to the Negroes, I do not expect that the Law will be put into full force against those 2 Persons, one of whom (the Master), says, that he is the Owner; but the Supercargo, one of Barreto's Sons, is at large.

I have also made known to His Majesty's Consul-General, that an establishment at Cacheo, which has been carrying on the Slave-trade, has for Years past been purchasing there Negroes from the Interior; keeping them at Cacheo 2 or 3 Years, and ultimately shipping them to the Cape de Verd Islands, or elsewhere; and when sending them to this Country, appealing to the pretended authority of the "Avizo" of 1817.

I have ascertained that the Schooner "Carolina" is 80 tons British measurement.

(Signed) ROBERT HESKETH.

*The Right Hon. George Canning,*  
 &c.                    &c.                    &c.

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First Enclosure in No. 75.

*Mr. Consul Hesketh to the President of the Province of Maranham.*

SIR,

*Maranhã, March 14, 1826.*

IT is with great pain that I am obliged, by publick duty, to call your Excellency's attention to the following circumstances; under the conviction, that if your Excellency's observation was not necessarily confined more immediately to matters of equal importance, connected with the duties of the highest Authority, I should have been spared this painful task of complaint.

After your Excellency had assigned to the competent Tribunal the full investigation of the Case of the Schooner "Carolina," and the Negroes landed from her, the "Ouvidor do Crime," on the 6th instant, seized both that Vessel and the Negroes, according to the Alvarà of 26th January 1818, that Alvarà having for its object the upholding of the Stipulations in the Treaty for the Abolition of the Slave-trade to the Northward of the Line. It is needless to repeat the penalties which the said Alvarà enforces on those found guilty of an infraction of that Treaty; but it is to the point to remark, that the only proceedings which have taken place, have been hitherto confined to the Vessel and Negroes.

I have been mindful of all the proceedings with the latter, and I find that 133 Negroes were landed, and that when the "Ouvidor" seized them, 20 were reported as dead.

On the 11th instant I was also informed, that, of the 113 seized, 3 more were dead, leaving, thus, 110 Negroes living on the 11th instant, of which 77 were in health, and the remainder sick; and this I reported to His Britannick Majesty's Government on the 11th instant.

Since then I have learnt that only 11 Negroes died at Bomfim; that 5 were removed from thence alive before the seizure, and 7 after the seizure, from the Deposit in this Town; these two unlawful removals of the Negroes, with the number really dead, forming the exact number of 23, reported to me as dead on the 11th instant.

I doubt not that in a short time I shall be able to inform your Excellency who were the Purchasers of those 12 Negroes; but, in the mean time, I confine myself to the fact, that they did not die, and that an outrage has been committed against your Excellency's commands; and I am also inclined to believe, against the confidence reposed by the Ouvidor in his subordinate Officer, and the Person intrusted with the duty of "Depositario."

To-day I was also informed by the "Depositario" himself, that 2 more Negroes were dead, and I suspect that I shall soon have proof that they also were removed alive.

Under these circumstances, I am called upon to protest before your Excellency, against the very great negligence of the "Ouvidor do Crime" in this matter. A negligence which not only renders ineffective the Measures of the Alvarà, but also renders nugatory the Stipulations of the Treaty; so that the conduct of the "Ouvidor do Crime" becomes indecorous to both the Crowns interested in the Treaty, and it is most evident that your Excellency will not allow such infractions.

Under that persuasion, I have thus applied most urgently to your Excellency, in order that your Excellency may take such steps towards those who are responsible for the appearance of the Negroes, as your Excellency may deem fit; and also may adopt the requisite measures respecting the deposit of the Negroes, and the subordinate Officer of the above-mentioned Ouvidor.

I have the honour to be, &c.

(Signed) ROBERT HESKETH.

*His Excellency Pedro José da Costa Barros.*

Second Enclosure in No. 75.

(Translation.)

*The President of the Province of Maranhão to Mr. Consul Hesketh.*

SIR,

*Maranhão, March 15, 1826.*

I ACKNOWLEDGE the receipt of your Letter, dated yesterday, in which you make it appear that you are persuaded, that a part of the Slaves arrived from Cacheu by the Schooner "*Carolina*," stated as forced into this Port, have been sold to different Persons before there is any decision on their Case, such Slaves at the same time being reported as dead; and also that you are suspicious that the Judge intrusted with this Case, has conducted himself with little circumspection respecting it, and that you will even be able in a little time to declare who were the Purchasers of those Slaves; all which may have happened without the knowledge of that Judge, of whose rectitude and disinterestedness I am convinced: all which it is in truth expedient to inquire into, in order that no infractions of the Treaty may be committed, the rigorous observance of which is so necessary.

I state in answer, that this very day I have transmitted to that Judge a Copy of your Communication, together with the other Documents relating to the subject, which you yesterday delivered to me, in order that he should,

with a full knowledge of the Case, proceed according to Law, remaining responsible to His Imperial Majesty for his decisions in this respect, I being prohibited from meddling in judicial forms, by the Carta de Ley of the 20th of October 1823. You may therefore rest assured that I shall be most content to find the Law observed in every respect, and that whatever representations you may have to make to me upon this subject, will, according to what is determined by Law, be transmitted by me to that Judge.

God preserve you.

(Signed) PEDRO JOZE DA COSTA BARROS.

*Robert Hesketh, Esq.*

Third Enclosure in No. 75.

*The President of the Province of Maranhão to the Ouvidor-General.*

*Maranhão, March 15, 1826.*

I TRANSMIT under the signature of the Secretary, Copy of the Translation of a Despatch which was directed to me, under yesterday's date, by His Britannick Majesty's Consul, and also two Documents which were delivered to me, in order that, taking them into consideration, you may use all vigilance respecting the Slaves lately arrived from Cacheu in the Schooner "*Carolina*," particularly recommending to you the observance of the Treaties in this respect, as I have given up all interference in such an affair, appertaining, as it does, to the Judicial Authority. You, Sir, remaining from henceforth responsible to His Majesty The Emperor for any infraction of the Law in similar Cases.

God preserve you.

(Signed) BARROS, President.

*H. E. Sr Joze Bonifacio d'Araujo Azambuja.*

Fourth Enclosure in No. 75.

*Mr. Consul Hesketh to the President of the Province of Maranhão.*

SIR,

*Maranhão, March 20, 1826.*

HAVING this day been informed that, of the 9 Negroes reported as part of the Crew of the Schooner "*Carolina*," from Cacheu, some have been sold; it is my duty to acquaint your Excellency therewith, that your Excellency may order such measures in respect of those 9 Negroes, as Your Excellency may deem expedient.

I have the honour to be, &c.

*H. E. Sr Pedro Joze da Costa Barros.* (Signed) ROBERT HESKETH.

Fifth Enclosure in No. 75.

(Translation.)

*The President of the Province of Maranhão to Mr. Consul Hesketh.*

SIR,

*Maranhão, March 21, 1826.*

I HAVE received your Despatch, dated the 20th instant, and I caused it to be transmitted to the "Doutor Ouvidor Geral do Crime," with whom that affair is lodged, as I have frequently made known to you.

God preserve you.

(Signed) PEDRO JOZE DA COSTA BARROS.

*Robert Hesketh, Esq.*



## Sixth Enclosure in No. 75.

*Mr. Consul Hesketh to the President of the Province of Maranhão.*

SIR,

*Maranhão, April 14, 1826.*

HAVING by the last departure to England made known to His Britannick Majesty's Government the seizure of the "*Carolina*," and the Negroes landed from her; and those Proceedings on the part of the competent Authority being intimately connected with the execution of the Treaty for the abolition of the Slave-trade to the Northward of the Line, and, therefore, of particular interest; I feel called upon to add to that Report, by a Vessel departing 4 days hence. Under these circumstances, I beg leave most respectfully to ask your Excellency, whether the Judicial Authorities have come to any Decision in the Case of the Schooner "*Carolina*."

I also flatter myself that your Excellency will agree with me in deeming it expedient, that after all which has occurred, as to the number of Negroes seized, my Report should be exact on that point; with this view I most respectfully solicit that your Excellency may be pleased to direct, that I should be furnished with an exact Statement of the number of Negroes now deposited, specifying those landed as the Cargo of the Schooner "*Carolina*," and those which appear as part of the Crew of that Vessel.

I have the honour, &amp;c.

(Signed) ROBERT HESKETH.

*H. E. Snr. Pedro Joze da Costa Barros.*

## Seventh Enclosure in No. 75.

(Translation.)

*The President of the Province of Maranhão to Mr. Consul Hesketh.*

SIR,

*Maranhão, April 17, 1826.*

I TRANSMIT, for your information, the enclosed Documents relating to the Case of the Schooner "*Carolina*," and the Slaves brought by her, which Documents were for this purpose sent to me by the competent Judge.

God preserve you.

(Signed) PEDRO JOZE DA COSTA BARROS.

*Robert Hesketh, Esq.*

## Eighth Enclosure in No. 75.

(Translation.)

*Report of the Ouvidor-General of the Criminal Court.*MOST ILLUSTRIOUS AND EXCELLENT SIR, *Maranhão, April 15, 1826.*

IN Answer to your Excellency's Letter, dated Yesterday, enclosing one from Mr. Robert Hesketh, His Britannick Majesty's Consul in this City, I have the honour to state to your Excellency, that, in the course of 2 or 3 days, the Sentence in the Case of the Schooner "*Carolina*," and the Slaves brought by her will be published.

With this Declaration, and the enclosed Certificate, I have satisfied the request of the said Consul, which your Excellency will have the goodness to communicate to him, and if the step appears strange to your Excellency of transmitting this Communication through your Excellency, instead of making it direct to the said Consul, I will readily explain the reason.

God preserve your Excellency.

The Dezot. Ouvidor Geral do Cível e Interino do Crime,

(Signed) FRANCISCO CARNEIRO PINTO VIEIRA DE MELLO.

*H. E. Snr. Pedro Joze da Costa Barros.*

Ninth Enclosure in No. 75.

(Translation.)

*Certificate of the Number of Negroes in the Deposit.*

I, MARCELLINO JOZE DE AZEVEDO PERDIGAO, certify, that there were seized and deposited by this Tribunal, 113 Slaves belonging to the Cargo of the Schooner "*Carolina*," of whom 8 died in the Deposit, there being in the Deposit this day 105 Slaves, and 2 more who were taken from Urbano Joze Gomes, and who belong to the Crew of the said Schooner.

The above is the truth,—

(Signed) MARCELLINO JOZE DE AZEVEDO PERDIGAO.

Maranhao, 14th April 1826.

## No. 76.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received June 6.)*

SIR,

Maranhao, April 20, 1826.

HAVING been only this Evening informed, that the voyage of the Schooner "*Carolina*" from Cacheo, was declared to be illegal by the Relaçam, of this City, before which Court the Case was pending, as stated in my Despatch of the 17th instant, I hasten to communicate this satisfactory intelligence.

The Sentence was registered yesterday, but nothing respecting it was known till this Evening. I have not yet received any Official Communication on the subject; but I am told that the freedom of the Negroes by the "*Carolina*" is decreed.

The Vessel taking this Despatch sails early to-morrow Morning, and I regret that my present Report of the Sentence is not fuller; but I shall obtain and transmit a Copy thereof by the first departure.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) ROBERT HESKETH.  
&c. &c. &c.

## No. 77.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received June 19.)*

(Extract.)

Maranhao, May 6, 1826.

IN reference to my Despatch, dated April 20, I have now the honour to state, that, on applying to his Excellency the President of the Province, I obtained a Copy of the Sentence in the Case of the Schooner "*Carolina*," and consequently transmit, enclosed, Translations of every Document sent by his Excellency relating to such Sentence.

No steps have been yet taken to distribute the Negroes, nor has it yet been formally made known to them that they are now free.

By the Alvará of January 26, 1818, the "Ouvidor," or Provincial Judge, is the Person authorized to take charge of the Negroes, and to distribute them.

*The Right Hon. George Canning,* (Signed) ROBERT HESKETH.  
&c. &c. &c.

First Enclosure in No. 77.

(Translation.)

*The President of the Province of Maranhao to Mr. Consul Hesketh.*

SIR,

Maranhao, May 5, 1826.

I TRANSMIT, by the enclosed Document, a Certificate of the Sentence

of the Rellação, passed in the Case of the seizure of the Negroes who arrived from Cacheu on board the Schooner "*Carolina*," as requested by you in the Letter of the 29th of April now last past. God preserve you.

(Signed) PEDRO JOZE DA COSTA BARROS.  
*Robert Hesketh, Esq.*

Second Enclosure in No. 77.

(Translation.)

*The Ouvidor-General to the President of the Province of Maranhão.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhão, May 3, 1826.*

I HAVE the honour to transmit to your Excellency, in the enclosed Document, a Certificate of the Sentence of the Rellação, passed in the Case of the seizure of the Negroes, who arrived from Cacheu on board the Schooner "*Carolina*," and which was required by His Britannick Majesty's Consul in his Letter to your Excellency, dated the 29th of April last, a Copy of which your Excellency transmitted to me, directing that it should be complied with, in your Excellency's Letter, dated the 30th of the same Month.

God preserve your Excellency.

The Dez<sup>o</sup> Ouvidor Geral do Crime.

(Signed) JOZE BONIFACIO DE ARAUJO AZAMBUJA.  
*H. E. Snr. Pedro Joze da Costa Barros.*

Third Enclosure in No. 77.

(Translation.)

*Sentence in the Case of the Schooner "Carolina."*

LET the Scrivener Marcellino, Jose de Azevedo Perdigão, acting in the Case of the Seizure of the Schooner "*Carolina*," and of the Slaves brought on board that Vessel from the Port of Cacheu to this City, certify at the foot of the present, the tenour of two Sentences given as a final decision on the said Case.

*Maranhão, March 2, 1826.*

(Signed) AZAMBUJA.

I, Marcellino Jose de Azevedo Perdigão, Owner of the Office of Escrivão in the "Ouvedoria Geral do Crime," and in the Police Office, by grant of His Imperial Majesty, whom God preserve, &c. &c.

Certify, that the Sentences mentioned in the above Order, are of the following tenour:—

It is decreed in the Rellação, &c. &c., having considered the Case of the Seizure of the Schooner "*Carolina*," Victor Nobre de Britto, Master, which put into this Port on the 28th of January of the present Year, in consequence of what is set forth in the Note of Protest, page 17, having on board 133 Slaves, of whom Manoel Pereira Barreto declares himself Owner, and who were transported from the District of Cacheu, a Seizure having been made of such Slaves and the said Schooner, because no proper Passport appeared, &c., as declared in pages 29 and 32. The said Owner alleging in his own defence, the substance of his pleadings in page 48, declaring, that such Slaves belong to him, the said Defendant, and to his Mother and Brothers; that he departed from Cacheu on board the said Schooner, on the 6th of January of the present Year, destined to the Island of St. Jago, in the Cape de Verdes, where he intended to employ them in Establishments which he possesses there; but that when in Latitude 9. 7. 47. North, and Longitude 23. 37. West, a Vessel was discovered which created suspicion, as pointed out in Note of Protest, page 17, and that on this account they put into this Port; so that, consequently, such Slaves were not purposely brought hither, but even if they had, it was allowable to do so, by the Additional Article in the Treaty of 22d January 1815,

because said Slaves were "*bond fide*" his domesticks, more particularly as he, the said Defendant, possesses Lands in this Province, in the cultivation of which the Slaves could be employed : further alleging, that the Avizo of 4th April 1817, in the 6th page, by which His Most Faithful Majesty granted to the Defendant's Father, permission to remove from Cacheu to this City, with two of his Sons, each of whom being likewise allowed to bring their respective Families and Slaves, &c. On examining all which, and other matters relating to the Case, it appears that the Defendant, being obliged to prove clearly and fully that the Slaves seized, as in page 29, were *bond fide* his domesticks, presenting a proper Passport and Certificate, according to the directions and form stipulated in the Additional Convention of 28th July 1817 (which, although destined for Merchant-vessels engaged in the licit Slave-trade, nevertheless, contains principles and rules applicable to the present Case), to the end that the presentation of such regular Documents may exclude the proceedings of the Imperial Treasury, which are founded on right, and in virtue of which the Contraband is judged fully proved, transferring to the accused, in similar cases, the obligation to prove his innocence of the imputed crime ; it being required that such proof be always so far clear and current, as is necessary to exclude a presumption of right, according to the 17th Chapter, 6th paragraph, of the Statutes of the "Junta do Commercio" of 12th December 1756, confirmed by the Alvará of 16th of December of said Year.

And further, that in order to consider the Slaves so removed as *bond fide* domesticks, it appears from the Case, that the Defendant is far from proving, with a legitimate Passport, or, with a competent Certificate, the quality of such of the Slaves as are *bond fide* his domesticks :—*Primo*,—Because the Passport in page 14 was granted in *Villa da Praia*, on 26th January 1824, to Dona Roza de Carvalho e Alvarenga, the Wife of Major João Pereira Barreto, in order that she might remove from the District of Cacheu to the Island of St. Jago, the Capital of the Province of Cape de Verd, with her Family, consisting of 300 Persons, more or less, on board the Portuguese Brig "*Apollo*," of which was Master, a Lieutenant in the Royal Marine, Mauricio Joze Alves ; and from the Case, it is proved, that the Slaves which are seized, as in page 29, departed from Cacheu on 6th January of this Year, in the Schooner "*Carolina*," Victor Nobre de Britto, Master, it being certain that such a Passport could not be availed of by a different Person, for a different Vessel, for an undetermined space of time, contrary to what is established in the said forms, and even because it is repugnant that for such a short voyage, a Passport should be provided with an anticipation of two Years. *Secundo*,—Because the Passport in page 15 was granted at Pará, on the 17th March 1825, allowing the Brazilian Schooner "*Carolina*" to go to Gibraltar and return to Pará, without specifying any other Port, either in going or returning, and consequently, that with this Passport the said Schooner could not, in conformity to the Maritime Laws, alter her voyage by going to the Island of St. Jago or Cacheu, without just cause, which should be alleged and proved ; and as it is one and the same thing, the want of a Passport as the having one which is irregular and unlawful, it comes to pass, under such circumstances, according to the Maritime Laws of all the civilized Nations of Europe, which in the present Case are made subsidiary, in virtue of the Law of 18th August 1769, that the Captain, or Master, of the said Schooner, is rendered suspicious of contraband and fraudulent designs, and the said Schooner made liable to seizure in this Country, and even on the high Seas, where she could be captured and treated as a Pirate ; it furthermore accruing, that this defect in the Passport prevents from being corroborated, with proper proof and authenticity, the Note of Protest on putting into this Port, page 17. *Tertio*,—Because that essential and indispensable Certificate required in the aforementioned Additional Convention is not produced. *Quarto*,—Because the Avizo of the 4th April 1818, in page 6, ought to be understood as granted for only one voyage to Major João Pereira Barreto, and his two Sons, Manoel Pereira Caldas and Antonio Pereira Barreto, and not the Defendant, who ought not to be understood as comprehended in the above favour, because all Imperial favours

are always restricted to what they express, as is declared by many "*Ordenações*" of the Empire. Besides all which, the proof by Witnesses, with which it is attempted to remedy the defects in the Passport of the Schooner "*Carolina*," from Cacheu to the Island of St. Jago, and to make it appear, that the quality of the Slaves, *bond fide* domesticks, is not so clear and current as, according to the Alvará of 16th December 1756, is required, in order to exclude a presumption of right established in favour of the Imperial Treasury, and to hinder, in the present case, the Freedom of the Slaves, to which they are entitled in virtue of the Alvará of 26th January 1818:—  
*Primo*,—Because, in the opinion of said right, the Witnesses who are taken from the Crew of a Vessel, generally, give their testimony either from mere reverential concurrence, or under an interest to conceal their own errors and misdeeds, and are, on that account, always considered suspicious. *Secundo*,—Because it is repugnant to the Maritime Laws and Police Regulations, that a Vessel should go from Cacheu to the Island of St. Jago, without Passport. *Tertio*,—Because it having been thought necessary to the Defendant to have a Passport for himself and two Servants, in the granting of which there could not be any of the said legal objections, it ought to have been much more necessary for the Vessel and the Slaves she brought, in case they were *bond fide* Domesticks, it being very easy to have included them in the Passport granted to the Defendant for himself and two Servants, in page 55. *Quarto*,—Because the said mentioned Slaves do not discover, by their habits, customs, or by their religious or civil education, any symptoms or demonstration of having received domestick treatment in the Family of the Defendant. It resulting from all the foregoing, that the fraudulent proceeding of the Defendant, together with the Crew of the said Schooner, is manifest, in order to accomplish the illicit Traffick expressly prohibited by the first Article of the said Treaty of 22d January 1815; and it not appearing on the other hand, that the said Slaves are within the meaning of the Additional Article of that Treaty:

Therefore, on that account, and other matters of the Case, notwithstanding the pleadings of the Defendant, which have been rejected, they do judge as good the apprehension and seizure specified in page 29, and do condemn the Defendant in the loss of the Slaves, whom they declare free, to be appropriated to such service as is in conformity to the Alvará of 26th January 1818, paragraph 5th, and further condemn him in costs; and order that the Owner and respective Officers of the said Schooner be proceeded against according to right, the same not having yet pleaded.

Maranham, April 18, 1826.

(Signed)

MELLO.

DUARTE.

VIEIRA BELFORD.

Present,

(Signed)

BARRADAS.

Published in the Office of the Scrivener,

Maranham, April 19, 1826.

(Signed)

MELLO.

It is decreed in the Rellação, &c. Notwithstanding the pleadings, page 108, which are not received, owing to their subject matter, that on reviewing this Case, the Sentence thereon be executed, the Defendant paying costs.

Maranham, April 29, 1826.

(Signed)

MELLO.

DUARTE.

VIEIRA BELFORD.

Present,

(Signed)

BARRADAS.

Published by my Scrivener,

Maranham, April, 29, 1826.

(Signed)

MELLO.

And nothing further was contained in the said Sentences, which I have faithfully transcribed from the Originals, to which I refer, and with which I have compared this Certificate, and find it agreeing therewith in all things, excepting the correction of mistakes. The above being the truth. Maranham, 2d May 1826. I, Marcellino Joze de Azevedo Perdigo, having closed and signed it.

(Signed)

MARCELLINO JOZE DE AZEVEDO PERDIGAO.

No. 78.

*Mr. Secretary Canning to Mr. Consul Hesketh.*

SIR,

*Foreign Office, June 22, 1826.*

I HAVE received your Despatches up to the 6th of May, and I approve highly of the proper watchfulness and sound discretion which marked the course which you have taken on the subject of the Schooner "*Carolina*," whose voyage with Slaves from Cacheo has at length, I am happy to find, been pronounced illegal, and her Slaves liberated.

In the event of proper steps not being taken for securing to the Negroes the benefit of their Emancipation, you will acquaint His Majesty's Consul-General at Rio de Janeiro with the Proceedings, and with your opinion as to the Measures which should be adopted for attaining this desirable object; in order that he may make to the Government of Brazil, such a representation for that purpose as the case shall appear to him to require; and you will continue to send to me Copies of the Correspondence which may take place upon the occasion.

I am, &amp;c.

(Signed)

GEORGE CANNING.

*Robert Hesketh, Esq.*

No. 79.

*John Bidwell Esq. to Mr. Consul Hesketh.*

SIR,

*Foreign Office, July 15, 1826.*

IN reference to your request for Instructions, as to the disposal of two Negroes, who were purchased out of Monies belonging to the late Contribution Fund, and whose services were applied to the use of the Hospital; I am directed by Mr. Secretary Canning to instruct you, to declare to them their immediate and complete Emancipation, and to render it authentick by some formal Document.

His Majesty's Government, however, in making these poor Persons free, does not intend to throw them upon the World, so that they may fall into distress, and thence again probably into Slavery: you will enquire whether their Services can be made useful in any British Hospital which may be established at Maranhão, and, should that be the case, you will offer to them employment at a fair and liberal hire for their free labour: If their Services should not be required in this way, you will seek out for them elsewhere some employment, where they will be comfortable and well treated; you will see to the fact of their being so treated, by personal examinations every half Year; and you will, until you can get them settled, make some arrangement for their maintenance, including the expence thereof as an Item in the account of Contingent Expences, for which you will have to draw upon His Majesty's Treasury.

I am, &amp;c.

(Signed)

JOHN BIDWELL.

*Robert Hesketh, Esq.*

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received August 21.)*

(Extract.)

*Maranham, June 30, 1826.*

I BEG leave to enclose a Statement, shewing, that up to the 14th of April, the date of the last Official Report made to me regarding the Negroes landed from the "*Carolina*," 19 Negroes were falsely reported as dead; and I have the satisfaction to state that, of these, 5 Negroes are already found.

The distribution of the Negroes took place about the middle of last Month, and was effected by the "Ouvridor da Commarca," or Provincial Judge.

When all the Negroes were distributed, one of them, called Nicholas, who had acted as nurse on board the Vessel, and who is a weaver by trade, and quite master of the Portuguese language, declared to the Judge, that his wife was forcibly taken from him while the Negroes were in the Deposit; and that although she was reported as dead, he knew the Person who had purchased her from the Deposit.

The Negress was sent for by the Distributor and restored to her husband, who then declared that 7 men and 7 women had been at different times taken away from the Deposit of the Negroes; that they, as well as the Caulker and Carpenter of the "*Carolina*" were alive, and not dead, as certified in the Documents produced by those who had charge of the Negroes.

The Distributing Judge caused the Caulker and Carpenter to be produced; but the Caulker, with the Negro Nicholas, were sent to a Plantation, and told that they must work as Slaves for 14 Years, before they could be free.

Both these Negroes are perfectly able to get their livelihood in this Town by their respective Trades, instead of which they have been both put to a sort of work, that can only benefit their Employers.

During the distribution, there were many applications for Negroes by Persons who exercised handicraft Trades, but they were chiefly refused, and the greatest portion of Negroes has been given to Planters; some of whom I am told, received 10 and more Negroes each; and all those Negroes will no doubt be sent up the Country to Plantations, where their fate, as Slaves, will probably be sealed.

The Distributor informed me, that all who took Negroes, signed a Bond with certain Conditions, and I fully expect that he will furnish me with a Copy of that Bond, and a List of the Persons who have received the Negroes, specifying how many each; but neither Document has been yet sent.

*The Right Hon. George Canning,* (Signed) **ROBERT HESKETH.**  
&c. &c. &c.

Enclosure in No. 80.

*Statement respecting the Negroes landed from the "Carolina."*

Negroes on board the Schooner " <i>Carolina</i> ," reported, on arrival,	}	133
as Cargo	- - - - -	
Ditto, as part of the Crew	- - - - -	9
Total	- - - - -	142
Negroes reported alive on the 14th April, of the Cargo	- -	105
of the Crew	- -	2
	- - - - -	107
		35
The remainder of the Crew, which was never deposited	- - -	7
Number of Negroes declared to be dead by Statement of 14th April	-	28

The true Statement regarding the above 28 Negroes reported as dead :

Number of Negroes who died at the Lazaretto	-	-	-	-	5
Ditto ditto who died at the Deposit	-	-	-	-	4
Total number of Deaths	-	-	-	-	9
Sent to Pará, for sale	-	-	-	-	7 Women
Taken away from the Deposit by the Person who had charge of the Negroes, Joze Maria Faria de Mattos	-	-	-	-	7 Men
Sold to Urbano Joze Gomez	-	-	-	-	2 Boys
Sold in Maranhã, to	-	-	-	-	1 Woman
Sold to Manoel Antonio, the Negro Joze, Caulker of the Vessel	-	-	-	-	1 Man
Sold to Bomfica, the Negro, name unknown, Carpenter of Ditto	-	-	-	-	1 Ditto
Number of Negroes falsely reported to be dead	-	-	-	-	19
					<u>28</u>
Negroes dead on the 14th April	-	-	-	-	9
Ditto fraudulently taken and sold	-	-	-	-	19
Remainder of the Crew	-	-	-	-	7
Negroes reported alive on 14th April	-	-	-	-	107
Total on board the "Carolina" on her arrival					<u>142</u>

### No. 81.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received August 21.)*

SIR,

Maranhã, July 5, 1826.

I HAVE the honour to make known that a Schooner, under Portuguese Colours, called "*Nove de Março*," Joze Fernandes de Pinho, Master, of about 35 tons, arrived at this Port on the 25th ultimo, having, besides a Crew of 12 Persons, 86 Negroes on board as a Cargo of Slaves.

The Vessel and Slaves were reported at the Custom-House, as direct from Cabinda, and a Passport shewn, dated St. Jago, Cape de Verd Islands, 24th November 1825, authorizing a Voyage to Cabinda; and the chief part of the Slaves were landed at the Consignee's House, where they were carefully kept.

These circumstances being suspicious, and although the Local Authorities had allowed the landing of the Slaves from the Schooner, I addressed a Letter, on the 29th ultimo, to his Excellency the President upon the subject, a Copy of which I beg leave to enclose, together with his Excellency's Answer.

On the following day I again addressed his Excellency, having ascertained that the Vessel came direct from the Cape de Verd Islands, and that most of the Slaves on board were Cacheo Negroes; a Copy of which Letter, and of his Excellency's Reply, I also beg leave to enclose.

I am not aware of the steps taken by his Excellency to prove satisfactorily the fraudulent Entry of the "*Nove de Março*;" but I am firmly convinced of the illegality of the voyage, and of the facility with which such illegality can be clearly proved, if proper measures be taken by the competent Authorities.

It may be expedient to state, that a very fast sailing, American-built



Schooner, under the Brazilian Flag, called the "*Arsenia*," lately belonging to this Port, has been sold at Rio de Janeiro; and that I expect this Vessel will also attempt the importation of Slaves into this Place, from prohibited Ports in Africa.

I have the honour to be, &c.

*The Right Hon. George Canning,* (Signed) ROBERT HESKETH.  
&c. &c. &c.

First Enclosure in No. 81.

*Mr. Consul Hesketh to the President of the Province of Maranham.*

*Maranhm, June 29, 1826.*

MOST EXCELLENT AND ILLUSTRIOUS SIR,

I BEG leave to acquaint your Excellency, that circumstances have come to my knowledge, since the arrival of the Portuguese Schooner "*Nove de Março*," which lead me to suspect that the said Vessel, and the Negroes landed from her have arrived from an African Port to the Northward of the Line.

Being desirous not to trouble your Excellency on this information alone, and at the same time to satisfy myself as to the correctness of such a Report, I requested the Consignee of the Slaves to allow them to be seen by a Person I sent, but this permission has been refused, although the Person went to the Consignee's House for the purpose both yesterday and to-day.

It is now, therefore, my duty to state these suspicions to your Excellency, requesting that your Excellency may be pleased to order a proper Examination, to ascertain from the Negroes themselves, by the aid of Interpreters, the Nation to which they belonged on the Coast of Africa.

I have the honour to be, &c.

(Signed) ROBERT HESKETH.  
*His Excellency Pedro Joze da Costa Barros.*

Second Enclosure in No. 81. (Translation.)

*The President of the Province of Maranhm to Mr. Consul Hesketh.*

SIR,

*Maranhm, June 30, 1826.*

I HAVE received your Letter, dated the 29th instant, informing me that, since the arrival of the Portuguese Schooner "*Nove de Março*," you have learnt certain occurrences which make you suspect that that Vessel, and the Negroes landed from her, came from some African Port to the Northward of the Line; to which I reply, that the Passport, and other Documents belonging to the said Schooner, were examined in the Secretary's Office of this Government-House, and from them it appears that the Vessel is not one to which the Slave-trade Treaty has reference. However, I have ordered the competent Magistrate to proceed to an extra-judicial Examination, and I shall communicate to you the result. God preserve you.

*Robert Hesketh, Esq.* (Signed) PEDRO JOSE DA COSTA BARROS.

Third Enclosure in No. 81.

*Mr. Consul Hesketh to the President of the Province of Maranhm.*

*Maranhm, June 30, 1826.*

MOST EXCELLENT AND ILLUSTRIOUS SIR,

I HAVE had the honour to receive your Excellency's Letter, in answer to the Communication I laid before your Excellency yesterday, respecting the Schooner "*Nove de Março*."

Further information regarding that Vessel's voyage again obliges me, in the discharge of my duty, to acquaint your Excellency, that 2 Negresses and 1 Negro, all Cacheu Blacks, are now on board the Canoe "Graça," to sail this tide for Itapicurú; and that those Negroes state they arrived in the said Schooner, direct from the Cape de Verd Islands, at this Port.

These facts strengthening my suspicions regarding the Report made at the Custom-House by the Master of the said Schooner, I thus most respectfully submit them for your Excellency's information.

I have the honour to be, &c.

(Signed) ROBERT HESKETH.

*His Excellency Pedro Joze da Costa Barros.*

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Fourth Enclosure in No. 81.

*The President of Maranham to Mr. Consul Hesketh.*

SIR,

*Maranham, June 30, 1826.*

I HAVE to acknowledge the Receipt of your Letter of this day's date, in answer to the one I addressed to you respecting the Schooner "Nove de Março," and I shall take such measures as I deem requisite, regarding the subject matter thereof. God preserve you.

*Robert Hesketh, Esq.* (Signed) PEDRO JOZE DA COSTA BARROS.

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No. 82.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received September 16.)*

(Extract.)

*Maranham, July 15, 1826.*

THE last Despatch of this Series, which I had the honour to transmit, was dated the 5th instant, and I then made known the arrival of the Schooner "Nove de Março;" the suspicious circumstances of that Vessel's entry at the Custom-House; and the steps which I had, up to that date, taken to ascertain all the facts of the Case.

On the 6th instant I received from his Excellency the President a Report, stating that a full investigation had taken place, and that the Slave-trade Treaty had not been infringed by the voyage of the Vessel in question. I have the honour to enclose a Translation of that Report.

I thought it my duty to remonstrate against the unsatisfactory nature of the Report, a Copy of which Remonstrance I also enclose. In it I made, among other solicitations, one, for a Copy of the Survey held on the Negroes; and another, for a Copy of the Passport of the "Nove de Março;" and I enclose a Translation of his Excellency's Reply to those solicitations.

Early in the Morning of the 9th instant, I was informed that several Cacheo Negroes, who had arrived in the "Nove de Março," had been shipped on board of a Canoe, being a decked Vessel for River navigation; and that the Canoe was to sail immediately for the interior of the Province.

My first step was, to send on board of the Canoe my Clerk, accompanied by a Cacheo Negro, as Interpreter, to ascertain the fact; and they found in the hold of the Vessel 35 Cacheo Negroes, the greatest part Women, who declared that they came direct from Cacheo, and were never in Cabinda.

I made immediate communication of this occurrence to his Excellency the President, in a Despatch, a Copy of which I beg leave to enclose; and it was delivered to his Excellency at a quarter before 10 o'Clock, when the Canoe was still inside the Port, although under weigh.

The Canoe was, however, allowed to depart with the Negroes without any attempt being made to detain her for examination, although, owing to calm weather and a head-tide, it was perfectly easy to recal her, even at 11 o'Clock.

Instead of that only effectual step, the President referred the matter to the Provincial Judge, and, at 2 o'Clock in the Afternoon, I received from his Excellency's Aid-de-Camp the Letter, a Translation of which I have also enclosed.

I most humbly submit, for your information, a Copy of the Letter, which, in answer thereto, I addressed to his Excellency on the 10th instant.

I regret that I am also obliged to enclose a Translation of the unsatisfactory Answer his Excellency has thought fit to return to my Representations, and to my request that the Negroes, so improperly removed from just examination, should be brought back to this City.

I next addressed a Letter to the Provincial Judge, requesting a Copy of the Passport of the "Nove de Março," and of the Survey on the Negroes; referring, at the same time, to the President's Orders, mentioned in the Enclosure numbered (3); but neither Document has been yet furnished to me.

I have never been allowed to see the original Passport; but, as it is dated Cape de Verd, there is every reason to suspect that the "Nove de Março" was never at Cabinda.

As for the irregularity of the Survey on the Negroes, it is not only proved by what I have ascertained, but even by the admission in the President's last Communication.

I enclose a Newspaper of this City, in which is published his Excellency's Report to me, being the Enclosure, numbered (1), and another Newspaper, containing his Excellency's Order, prohibiting the registering of the Survey, although that is a customary measure. A Translation of the Order (8), is annexed to the Newspaper.

From all the above mentioned circumstances, I am convinced, that the Voyage of the "Nove de Março," is an infraction of the Slave-trade Treaty; but I despair that this illegal act will meet a just investigation.

I anxiously hope that my conduct in this Affair will be deemed conformable with my duty, and worthy of your approbation: were such Proceedings allowed to pass with impunity, and the Importers of the Slaves by the "Nove de Março," permitted to reap, without further molestation, the profits of their illegal acts, no regard would be ultimately paid by the subordinate Authorities to the Slave-trade Treaties; and the Importation of Negroes from prohibited Ports, would become a channel of more frequent, and of less hazardous Traffick to this Place.

I beg leave to transmit, enclosed, a Description of the "Nove de Março." It is reported that she is to sail soon for the Cape de Verd Islands, and is ready for Sea.

In order that His Majesty's Consul-General at Rio Janeiro, may have early information of this Case, I shall transmit to him, by the first direct opportunity, a Copy of this Report, and of its Enclosures.

*The Right Hon. George Canning,* (Signed) ROBERT HESKETH.  
&c. &c. &c.

First Enclosure in No. 82.

(Translation.)

*The President of the Province of Maranhão to Mr. Consul Hesketh.*

MOST ILLUSTRIOUS SIR,

*Maranhão, July 6, 1826.*

I TRANSMIT, enclosed, a Copy, under the Secretary's Signature, of a Letter from the Ouvidor da Comarca, relative to the examination which I ordered of the Papers of the Schooner "Nove de Março," lately arrived at this Port with Slaves, in order that you may be precisely informed, that those Slaves are not comprehended in the Treaty with England regarding that Commerce.

God preserve you.

(Signed)

PEDRO JOZÉ DA COSTA BARROS.

*Robert Hesketh, Esq.*

First Enclosure (A.) in No. 82. (Translation.)

*The Ouvidor da Commarca to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhm, July 5, 1826.*

I TRANSMIT to your Excellency, the Examination I made of the Papers and Passport, with which the Schooner "*Nove de Março*" was navigated from the Cape de Verd Islands to the Port of Cabinda, and from thence to this City; and, by these Documents, and the Examination of the Negroes which were brought, it is known that they are not comprehended in the Treaty with England relative to such Commerce, as they are from Nations to the Southward of the Equator; which is affirmed on Oath by the two Merchants I summoned, as being well acquainted with such matters. This is all with which I can acquaint your Excellency, who will better judge by perusing the annexed Act of Survey.

God preserve your Excellency.

(Signed)

The Juiz d' Alfandega,

LEOCADIO FERREIRA DE GOUVEA PIMENTEL BELLEZA.

*His Excellency Pedro Joze da Costa Barros.*

Second Enclosure in No. 82.

*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhm, July 7, 1826.*

I HAVE the honour to acknowledge the receipt of your Excellency's Letter, dated the 6th instant, transmitting a Copy of the Report from the Ouvidor da Commarca, relative to the Survey on the Negroes brought by the Schooner "*Nove de Março*."

I have to inform your Excellency, that, under all the circumstances connected with the arrival of that Vessel, it is impossible for me to found, on the above-mentioned Report, a satisfactory Statement of that Case, for the information of His Britannick Majesty's Government; the said Report not stating precisely, from whence, on the Coast of Africa, the Negroes were originally brought, and nothing shewing that those Negroes were proved at the Custom-House to be such as the Passport allowed the Importation of; it being on the contrary ascertained, that some Cacheu Negroes arrived in the "*Nove de Março*."

The notorious improprieties committed at the Deposit of the Negroes by the "*Carolina*," will account why, in that Case, I imposed on myself the disagreeable task of representing such conduct to your Excellency, and will also shew that some of the subordinate Authorities have been regardless of their duty, when executing your Excellency's Orders for the due fulfilment of the Slave-trade Treaty with Great Britain.

By such conduct on the part of some of those Authorities, it has been attempted to defeat the common object of your Excellency's sincere wishes, and of my humble exertions.

I, however, trust, that I shall not now be refused your Excellency's ready and most availing assistance to ascertain satisfactorily the exact Voyage of the "*Nove de Março*;" so that the Reports of the Case in question sent to the Courts of Rio de Janeiro and of London, where your Excellency and myself are respectively responsible, may afford at both those Courts reciprocal satisfaction.

Feeling, from such reasons, confident of your Excellency's support, I make the following Four solicitations; the first, for a Copy of the Survey on the

Negroes landed from said Schooner: the second, for Copies of the Passport, and of the Muster-Roll; the third, for permission to see the Negroes myself; and the fourth, for permission to see the Log-book of the "Nove de Março," and to have that Vessel measured.

I have the honour to be, &c.

(Signed)

ROBERT HESKETH.

*His Excellency Pedro Joze da Costa Barros.*

Third Enclosure in No. 82.

(Translation.)

*The President of the Province of Maranhão to Mr. Consul Hesketh.*

MOST ILLUSTRIOUS SIR,

*Maranhão, July 8, 1826.*

I HAVE to acknowledge the receipt of the Letter you addressed to me on the 7th instant, relative to the Schooner "*Nove de Março*," and, in answer to its contents, I state that I have this day given the requisite orders to the "Ouvidor da Comarca," that he may satisfy you with what you require from me in that Letter.

God preserve you.

(Signed)

PEDRO JOZE DA COSTA BARROS.

*Robert Hesketh, Esq.*

Fourth Enclosure in No. 82.

*Mr. Consul Hesketh to the President of the Province of Maranhão.*

MOST EXCELLENT AND ILLUSTRIOUS SIR,

*Maranhão, July 9, 1826.*

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of Yesterday's date, and request your Excellency will be pleased to Embargo the Canoe "*Vencedora*," on board of which there are several Cacheu Negroes, brought by the Schooner "*Nove de Março*."

I have the honour to be, &c.

(Signed)

ROBERT HESKETH.

*His Excellency Pedro Joze da Costa Barros.*

Fifth Enclosure in No. 82.

(Translation.)

*Captain Machado to Mr. Consul Hesketh.*

MOST ILLUSTRIOUS SIR,

*Maranhão, July 9, 1826.*

HIS Excellency the President, Acting Military Governor of this Province, has charged me to transmit to you the Letter of the Acting "Ouvidor da Comarca," to whom was sent the one you addressed to his Excellency, in order that, by investigation, the needful measures might be taken.

God preserve you.

*Robert Hesketh, Esq.*

(Signed)

JÓAO CARLOS MACHADO.

Fifth Enclosure (A.) in No. 82.

(Translation.)

*The Ouvidor da Comarca to Captain Machado.*

MOST ILLUSTRIOUS SIR,

*Maranhão, July 9, 1826.*

I HAVE received your Letter, and with it a Copy of the one transmitted to his Excellency by the English Consul, in order that at the sight of it, or of its contents, I should inform his Excellency thereof.

As soon as I received it, I directed my Orderly to go for the Master of the Canoe "Vencedora," in order to ascertain from him if there were any Cacheu Negroes on board; the Orderly, however, returning told me, that the said Canoe was, at 10 o'Clock, already out of the Port bound to that of Caxias. This is all I am able to acquaint you with.

God preserve you.

(Signed)

**LEOCADIO FERREIRA DE GOUVEA PIMENTEL BELLEZA.**

*The Most Illustrious Snr. Joao Carlos Machado,  
Captain and Aide-de-Camp.*

Sixth Enclosure in No. 82.

*Mr. Consul Hesketh to the President of the Province of Maranhão.*

*Maranhão, July 10, 1826.*

**MOST EXCELLENT AND ILLUSTRIOUS SIR,**

HAVING yesterday Morning, the 9th instant, requested your Excellency to stop the Canoe "Vencedora," with several Cacheu Negroes on board, brought by the Schooner "Nove de Março," and the said Canoe being in this Port when your Excellency received my Letter, and continuing an hour after, within such distance, as to be easily stopt in the manner adopted by your Excellency in many other instances; and your Excellency having refused such my request, adopting instead the proceeding of ordering the "Ouvidor da Commarca" to investigate the matter, whose answer, stating that the Vessel had departed, I received several hours after my application to your Excellency: it follows that, instead of receiving any assistance from your Excellency, in the requisite steps to ascertain the exact voyage of the "Nove de Março," your Excellency has refused me the means of bringing forward an undeniable proof of the false Entry made at the Custom-House by the Master of the said Vessel.

Although an investigation with that important object was commenced with the knowledge, and under the sanction, of your Excellency, still 30 of the Negroes, by that identical Vessel, were allowed, without any demur, to leave this Port yesterday Morning, by a regular Licence from the Commander of the Police; and these 30 Negroes were found by the Person I sent on board the "Vencedora," concealed in the hold. On the 30th ultimo I informed your Excellency that 3 others of the Negroes, by the "Nove de Março," were on board of the "Graça," but in both instances the Negroes have been allowed to be removed from the reach of proper examination, and it is very possible that many others of the Negroes in question, have, without my knowledge, been also removed with the same view.

If your Excellency be not determined to oppose all fair and effectual investigation of this Case, and if your Excellency does not despise the sacred obligations of a Treaty between the two Crowns, your Excellency will take effectual steps to bring back to this City those Negroes landed from the "Nove de Março," who have been sent into the interior of the Province, and who, I now most solemnly certify to your Excellency, are all Cacheu Blacks.

But should your Excellency disregard this my last appeal, and continue in a course of measures totally ineffective for the attainment of the just and requisite investigation I have requested, your Excellency will then force me, in the due discharge of my duty, to transmit to the proper quarters, not only the most unpleasant Representations, but also the most serious Protests.

I have the honour to be, &c.

(Signed)

**ROBERT HESKETH.**

*His Excellency Pedro Joze da Costa Barros.*

*The President of the Province of Maranhão to Mr. Consul Hesketh.*

SIR,

*Maranhão, July 12, 1826.*

I HAVE before me your Letter which I received at 1 o'Clock, on the 10th instant.

Without bestowing on it much reflection, it shows itself labouring under two defects, which ought to have been kept from it; they are these: a want of correctness in some of your assertions, and the little propriety in the manner of expressing yourself, notwithstanding studied circumlocutions to soften the harshness of some terms, against which the respectful decency due to the Authority with which His Majesty The Emperor has been pleased to invest me appears to oppose itself.

In that Despatch you state, that having asked me to embargo the Canoe "*Vencedora*," with a quantity of Cacheu Negroes on board, who had arrived in the Schooner "*Nove de Março*," I refused that request, adopting the measure of ordering the "*Ouvidor da Comarca*" to proceed in an investigation of the Case, and that you only received my Answer, declaring that the Canoe had departed, four hours after you made the communication to me.

Putting aside the novelty of your pretention to prescribe to me the exact time for answering your Letters, which is clearly inferred from the manner of your expressions; it behoves me to state, that it was communicated to me, that the Canoe "*Vencedora*" had already left the Port, which rendered useless any immediate measure; besides which, the Canoe departing into the interior of the Province, where, in whatever place she may be, my Orders being effective, it follows that they will co-operate for ascertaining the truth of the Case in question.

It moreover behoves me to declare to you, that Presidents of Provinces are not competent Authorities to make Embargoes; those acts are operations of the Judicial Power; and it was in consequence of the force of the "*Carta de Ley*" of 20th October 1823, regulating the Presidencies of the Provinces, and marking out the limits of their powers, that I consigned to the proper Magistrate that duty and the competent Investigations.

It is therefore a very sinister inference when you assert, that, instead of receiving assistance to ascertain the true voyage of the Schooner "*Nove de Março*," I have refused the means of producing an undeniable proof of the false Entry of the said Schooner; that arrogant inference is not deducible from the competent Orders which I issued for an Investigation on that Case; it is entirely opposite to such Orders.

You cannot avoid the confession, that Investigations are commenced under my sanction and by my orders; but, as you wish to blacken every step in this Case, you assert that, notwithstanding, 30 of those Negroes were, without hesitation, allowed to depart in the Canoe "*Vencedora*," with Passports from the Commander of Police.

Nothing can be imputed against that Military Commander, who has long since been intrusted with the power of granting Passports of that kind, to facilitate the transport of Slaves to the Interior of the Province, and certainly it was not declared to him that they belonged to the Schooner "*Nove de Março*;" and I consider in the same light the 3 Slaves you mention, who were not condemned as implicated in the prohibited Traffick.

The Passports of the "*Nove de Março*" are clear, from Cabinda to this Port, and it is those Passports which regulate the Place from which the Slaves are taken; and it is only to the Places from which it is proved Negroes are taken, or at which such fitting out is effected, that the Treaty and the Prohibitions it contains refers.

I have before me the Treaty of 22d January 1815, and, in the 1st Article, the exclusive reference to locality is clear, while the Nationality of the Slaves is lost sight of, because it expressly declares, "that it is prohibited to every Subject of the Crown of Portugal to buy Slaves, or Traffick in them at any

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Place on the Coast of Africa to the Northward of the Equator;" so that it is the Place where such Traffick in Slaves is carried on, that characterizes the Traffick as licit or illicit.

This disposition is confirmed in the 2d Number of the 2d Article, in the Additional Convention on the said Treaty, dated 28th July 1817, which, while specifying the Territories in which it is lawful for the Crown of Portugal to carry on the Traffick of Slaves, expressly mentions Cabinda as one of those Places; and it is therefore from Cabinda, according to the Passports granted with the legal formalities, that the Slaves in question were brought: and the 6th Article of that Convention declares, that, in order to legalize the detention of Vessels carrying Slaves, it is indispensable that there be found on board Slaves taken from those Ports on the Coast of Africa, where the Traffick is prohibited by the Treaty dated 22d January 1815.

The Law, specifying the Penalties for the Infractions of the Treaty and of the Additional Convention, dated 26th January 1818, is only directed against those persons who may fit out and prepare Vessels for taking away from, or purchasing Slaves at, any Ports on the Coast of Africa situated to the North of the Equator, and has no reference to the Place of Nativity of the Slaves, the Concession or the Prohibition referring solely to specified Places.

Conceding, therefore, the possibility, that, amongst the Slaves brought by the Schooner "Nove de Março," there are some Cacheu Slaves, the Vessel procured her Cargo in Cabinda, which is not a prohibited Port, and on that account the Treaty, which only refers to Places and not to Individuals, is not infringed, nor would I with bold hand meddle in Conventions of the High Contracting Parties, which are entitled to the most religious and sacred respect.

I cannot, however, abstain from one declaration, and it is this, that you seem to attack those very Treaties, daring to amplify their dispositions to objects which the High Contracting Parties either despised, or did not wish to include; that being certainly offensive to those very Treaties, of the strict observance of which you so often remind me.

It now only remains for me to reply to the conclusion of your Letter, and I should wish at this moment to put aside all the just indignation I feel at the disrespectful style in which, in the last sentence, you unfold a haughtiness incompatible with the dignity due, in your treatment of a Delegate of His Majesty The Emperor.

You have dared to clothe in threats that conclusion of your Letter. I despise them; and if the due discharge of your duty, as you state, obliges you to make in competent quarters, disagreeable representations and serious protests, I am content that my conduct should not, as I am confident it will not in the present Case, be disapproved of by His Majesty The Emperor, who is sufficiently acquainted with my respectful attachment, and with my constant fidelity to His August and Sacred Person: a fidelity which does not dread the presence of the protests, not even of the Nations who boast of being faithful to their Sovereigns.

I conclude by declaring to you, that I have made such dispositions, and given such Orders as I judge proper for the object in question.

God preserve you.

(Signed) PEDRO JOSE DA COSTA BARROS.

Robert Hesketh, Esq.

Eighth Enclosure in No. 82.

(Translation.)

*Order of the President of the Province of Maranham.*

*Maranhm, July 1, 1826.*

THE Doctor (of Laws), acting "Ouvidor da Commarca," exercising the functions of Judge of the Custom-House in this City, will, according to the enclosed Translation of a Despatch from His Britannick Majesty's Consul, dated 29th ultimo, proceed to an examination of the Documents of



the Portuguese Schooner "*Nove de Março*," lately arrived with Slaves, in order to ascertain whether they are such as are referred to in the Treaty regarding the Slave-trade, transmitting the result to this Secretary's Office, *without keeping any Copy* in the Office. So let it be executed.

(Signed) BARROS.

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Ninth Enclosure in No. 82.

*Description of the Schooner "Nove de Março."*

A VESSEL about 35 tons measurement, no head, and the stern gradually rounded in to the stern-post; built like a Lisbon Fishing-boat, or "Saveiro," and to all appearance formerly one of those Vessels. Not coppered; rigged as a Schooner, with jib, fore-stay-sail, square and fore and aft fore-sails and main-sail, but no top-sails. The fore-mast is well forward in the bows, and has much less rake than the main-mast. She has fitted poles at each mast-head.

Maranham, July 15, 1826.

(Signed) ROBERT HESKETH.

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No. 83.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received September 16.)*

(Extract.)

Maranham, July 19, 1826.

IN reference to my last Despatch of this Series, dated the 15th instant, I have the honour to acquaint you that, in the Evening of that day, I received from the "Ouvidor da Commarca," Copies of the Survey on the Negroes brought by the "*Nove de Março*," and of that Vessel's Passport, Muster Roll, and Log Book; and I beg leave to enclose a Translation of the Magistrate's Letter transmitting those Copies.

I also enclose Translations of the Survey, and of the Passport; reserving that of the Muster Roll as containing nothing material, and that of the Log Book as too voluminous.

On the 17th instant, I addressed a Letter to the President, pointing out why I asserted that the above-mentioned Documents did not afford any satisfactory Proof that the "*Nove de Março*" had been on a legal voyage, and I enclose, for your information, a Copy of my Despatch to his Excellency containing that assertion.

In the Morning of the 18th instant, the Schooner, "*Nove de Março*" left this Port, and some hours after I received from his Excellency the President, a Letter, requesting to have the Documents on which my assertion was founded; and I most humbly refer to the enclosed Translation of that Letter.

I determined to keep the Documents which were sent to me, and to refuse even Copies of them; and I framed accordingly my Answer to his Excellency's request, a Copy of which Answer I have also enclosed.

In the Copy of the Log Book I have been furnished with, it is stated, that the "*Nove de Março*" left Porto Praia on the 1st of December 1825, and arrived at Cabinda on the 28th of that Month; and there is no remark whatever until the 28th of May, on which day a Sea-log commences, of her voyage from Cabinda to this Port.

The Passport is not a proper one for a Vessel on a voyage for Slaves.

I can prove satisfactorily that the greatest portion of the Negroes by the "*Nove de Março*" are Cacheo Negroes.

And lastly, there is no Document to prove that this Vessel sailed from Cabinda, having Negroes on board for this Place.

Having thus given all the information which it is in my power to obtain, regarding the voyage of the "*Nove de Março*;" I have only now to enclose

a Copy of a Despatch I addressed to His Majesty's Consul-General at Rio de Janeiro on the 17th instant.

I have not copied the Enclosures relating to that subject, because they are diffuse, and their subject matter is in fact stated in the Despatch.

*The Right Hon. George Canning,* (Signed) **ROBERT HESKETH.**  
&c. &c. &c.

First Enclosure in No. 83. (Translation.)

*The Ouvidor da Commarca to Mr. Consul Hesketh.*

SIR,

Maranham, July 15, 1826.

I ACKNOWLEDGE the receipt of your Letter, and also of the Copy of that you received from the President, and, in consequence of its contents, I transmit to you Copies of the Examination, which, by order of the said President, I made of the Negroes brought to this Port by the Schooner "*Nove de Março*," of the Passport of the same, and of the Journal of the Voyages, as well from the Island of Saint Jago to Cabinda, as from that Port to this City; which Copies I should have sooner remitted, were it not for the sickness of the Scrivener of the Custom-House Cases.

(Signed) God preserve you.

**LEOCADIO FERREIRA DE GOUVEA PIMENTEL BELLEZA.**

*Robert Hesketh, Esq.*

First Enclosure (A.) in No. 83. (Translation.)

*Report of the Ouvidor da Commarca, relative to a Survey of the Negroes landed from the "Nove de Março."*

IN the Year of our Lord 1826, on the 4th day of July of the said Year, in this City of Maranham, in the House of "Commendador" Antonio Joze Meirelles Ferreira and Company, where was present the Doctor of Laws, the Ouvidor and Acting Judge of Custom-House, Leocadio Ferreira de Gouvea Pimentel Belleza, with myself, the undersigned Scrivener of his Court, there being also present Captain Joze Rodrigues Roxo, and Lieutenant Manoel Domingues Dias, who were by me notified to attend, in virtue of the Order of the Most Illustrious and Excellent President of this Province, Pedro Joze da Costa Barros, numbered 151, dated the 1st of July of the present Year, and for which end the said Magistrate administered to them an Oath, upon the Holy Evangelists, by producing the New Testament, that, on examining the Documents of the above-mentioned Schooner, and other Papers produced by the Consignee, Captain Joze Gonçalves Teixeira, they should declare what to them appeared from the said Documents, and from the Slaves which in this act would be presented before them.

They conjointly declared, that, with regard to the Documents, they had nothing to observe, as they were annexed to this act. But that, with regard to the Slaves who were produced to them, they know that they are not from prohibited Ports, and that they have nothing further to declare in this respect. In faith whereof they have signed the present, with the said Magistrate; there being also present as Witnesses, Manoel Gonçalves Barros, Thomas de Aquino Nogueira do Carmo: all which I, the Scrivener, declare, with all faith, is the truth; and I, Justino Damazo Saldanha, Scrivener, wrote the present.

(Signed) **PIMENTEL BELLEZA.**

(Signed) **JOSE RODRIGUES ROXO.**  
**MANOEL DOMINIGUES DIAS.**  
**MANOEL GONÇALVES BARROS.**  
**THOMAS D'AQUINO NOGUEIRA DO CARMO.**  
**JUSTINO DAMAZO SALDANHA.**

First Enclosure (B.) in No. 83.

(Translation.)

*Passport of the Schooner "Nove de Março."*

I, JOAO DA MATTA CHAPUZET, "Commendador" of the Order of Christ, Knight of the Orders of St. Bento e Aviz, and of the Tower and Sword, Colonel in the Chief Staff of the Army, President of the "Real Fazenda," and Governor-General of the Province of the Cape de Verd, by His Most Faithful Majesty The King, our Master, whom God preserve, &c. do make known unto all who may see this Passport: that the Portuguese Schooner "*Nove de Março*," is bound on a voyage from this Island of St. Jago, Cape de Verd, to the Port of Cabinda, and from thence to Maranham, from whence she is to return to this same Island, and of which Schooner is Master and Owner, Joze Fernandez de Pinho, as was certified in this Secretary's Office by the said Master's Oath, taken in said Office, and by the Documents presented by him; he taking, as a Crew, the Persons mentioned in the annexed Muster Roll, signed by Joze Quintino, an Officer in the Secretary's Office of this Government, all being Portuguese Subjects and Vassals of His Most Faithful Majesty The King, our Master, no Foreigner having share in the said Schooner. And because she may be met on the High Seas, or in Port, by Commanders and Officers of Men-of-War and other Vessels of the Crown of Portugal, His Most Faithful Majesty The King, our Master, ordains that she may not suffer any hinderance, and recommends to the Fleets and Squadrons and other Vessels belonging to Kings, Princes and Potentates, the Friends and Allies of this Crown, that they may not hinder her voyage, but on the contrary, lend her every needful favour and assistance to enable her to perform it, in the assurance that the same treatment will be observed towards those recommended by their Princes.

In testimony whereof, I ordered this Passport to be granted. Signed by me, and sealed with the Royal Arms of this Government.

Granted at Head Quarters, in the Villa da Praia, Island of St. Jago, Cape de Verd, this 24th day of November, in the Year of our Lord 1825.

(L. S.) (Signed) JOAO DA MATTA CHAPUZET,  
Colonel and Governor-General of the Province.

By order of his Excellency. (Signed) JOZE QUINTINO,  
Of the Secretary's Office.

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Second Enclosure in No. 83.

*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranhm, July 17, 1826.*

THE "Ouvidor da Commarca" has transmitted to me Copies of the Survey relating to the Negroes landed from the "*Nove de Março*," and of that Vessel's Passport, Muster Roll and Log Book.

The Survey neither specifies the number of Negroes, nor proves that those who were seen by the Surveyors were the whole or even part of the Cargo. The Passport is not according to the Form prescribed in the Treaty, and besides, does not contain a word respecting Slaves, nor the Measurement of the Vessel. The Copy of the Log Book is not accompanied by any Document proving its authenticity, and even this Copy does not account for a considerable space of time which elapsed while that Vessel was on the Coast of Africa. And lastly, there is no kind of clearance outwards from any Authority at Cabinda.

I therefore beg leave most respectfully to state to your Excellency, that the above-mentioned Documents do not afford satisfactory proofs that the Vessel in question has been on a legal voyage.

I have, &c.

H. E. Pedro Joze da Costa Barros. (Signed) ROBERT HESKETH.

Third Enclosure in No. 83. (Translation.)

*The President of the Province of Maranhão to Mr. Consul Hesketh.*

MOST ILLUSTRIOUS SIR, Maranhão, July 18, 1826.

I HAVE before me your Letter, dated yesterday, respecting the Case of the Schooner "*Nove de Março*," and as I am moved, as I ought to be, by the most lively interest to act in this affair in such a manner as that the faith of the Treaty in question should not be deceived, I ask you to be pleased to render accessible to me the Documents on which you found your assertions; to promote the perfect management of all which you may deem expedient to be adopted in this respect; you remaining under the fullest conviction that my greatest glory is derived from the fulfilment of my obligations to His Imperial Majesty.

God preserve you.

(Signed) PEDRO JOZE DA COSTA BARROS.

*Robert Hesketh, Esq.*

Fourth Enclosure in No. 83.

*Mr. Consul Hesketh to the President of the Province of Maranhão.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, Maranhão, July 18, 1826.

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of to-day's date, requesting that I should transmit to your Excellency the Documents on which, in my Despatch of the 17th instant, I found an assertion respecting the voyage of the Schooner "*Nove de Março*."

I have most respectfully to state to your Excellency, that my Declaration was not founded on original Documents, but only on Copies of Documents, which Copies were furnished to me by the Ouvidor da Commarca, in consequence of your Excellency's orders.

The Documents themselves were never seen by me; and I presume must still remain in the possession of the said "Ouvidor."

I have, &c.

(Signed) ROBERT HESKETH.

*His Excellency Pedro Joze da Costa Barros.*

Fifth Enclosure in No. 83.

*Mr. Consul Hesketh to Mr. Consul-General Chamberlain.*

SIR, Maranhão, July 17, 1826.

I HAVE the honour to enclose two Reports of the Case of the Schooner "*Nove de Março*," forwarded to the Right Honourable the Principal Secretary of State for Foreign Affairs, no opportunity of transmitting them to Rio de Janeiro direct having occurred before this date.

In connection with the occurrences respecting the Case of the "*Nove de Março*," I have to state that my Clerk, Ignacio Veiga, who was sent on board of the Canoe "*Vencedora*," to ascertain whether any of the Negroes landed from that Schooner were on board, and who performed that duty faultlessly, has been proceeded against by the Consignee of the "*Nove de Março*."

I beg leave to enclose a Copy of the Proceedings, in which it is asserted that he went on board in a Military character, and by threats and force had the hatches opened.

The true facts are stated in the Counter Protest; and from the falsehoods of the Protest, will be discovered the enmity produced by the step I took.

On the 11th instant, his Excellency the President sent for Mr. Veiga, threatening him when there, for having gone on board the Canoe, as particularized in the enclosed Declaration.

My object in thus minutely stating these occurrences, is to put in a clear point of view the feelings which actuate the Parties concerned in the "Nove de Março."

But I trust that, with these explanations, you will not experience any difficulty in putting in their true light, before the Brazilian Government, such unfounded accusations; and in obtaining from that Government the adoption of some measure to check the annoyances thus indirectly commenced against myself, but occasioning immediate inconvenience to Mr. Veiga, who has not in this instance infringed any Law, but only performed his duty; and who has for a period of 9 Years been of great utility to me, by his exemplary activity and fidelity.

I have, &c.

Henry Chamberlain, Esq.

(Signed) ROBERT HESKETH.

#### No. 84.

*Mr. Secretary Canning to Mr. Consul Hesketh.*

SIR,

*Foreign Office, September 23, 1826.*

I HAVE received your Despatches of this Series, to the 19th of July last.

I highly approve of the proper zeal which you have shown in watching over, and endeavouring to prevent the infractions of the Treaties upon Slave-trade, as instanced in the Case of the "Nove de Março."

His Majesty's Envoy to The Emperor of Brazil has been instructed to support, at Rio de Janeiro, the representations which you have made upon this Case.

I am, &c.

Robert Hesketh, Esq.

(Signed) GEORGE CANNING.

#### No. 85.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received Oct. 21.)*

(Extract.)

*Maranham, August 19, 1826.*

I HAD the honour to state in a Despatch of this Series, dated June 30, 1826, several circumstances connected with the distribution of the Negroes brought by the Schooner "Carolina," whose freedom was decreed by the competent Court; at the same time remarking on their unfortunate situation.

I beg leave to state the following 3 Cases:—

The Negro who had been Caulker of the "Carolina," and who was, with 9 others, sent by the Distributor's Relation to a Plantation, fled from thence and succeeded in gaining my House where he stated that all the 10 Negroes had been hard worked in the field, and that their sole sustenance had been 3 pounds of boiled rice, between them all, in a Morning; this miserable allowance being even denied to them on the Sundays, as they did not work; and that they were constantly flogged and told they were Slaves for 14 Years; the looks of the Negro proved the truth of his declarations.

The Carpenter of the "Carolina" also came to me to complain that he was suffering, as he evidently was, under a serious complaint in his eyes, and that, although his Master "Antonio Joze Guilhon," lived in the Town, no Medical assistance was afforded to him. This Negro I found spoke very intelligible English, and on questioning him, he declared, that a Portuguese, named "Miranda," had taken him twice to London, and once to Barbadoes, but that, he having died on returning to the Cape de Verd Islands, his Heirs sent him by the "Carolina" for sale in this Port; although this Negro is able to gain his livelihood, he also is working as a Slave for 14 Years.

About 3 days ago a young woman, also one of the Negroes belonging to the "Carolina," was brought by a Person who declared that she had fled from her Master "Joze Faria de Mattos," and threatened to destroy herself if sent back. The appearance of this wretched creature was most pitiable, being a perfect skeleton, with her back savagely cut by flogging, and in such a state of exhaustion that her voice was hardly audible. This poor Being declared that her allowance of food was 3 ears of Indian corn per day, with a set task of carrying a quantity of stones each day, and constant punishment for not being able to complete it by dark.

Not having any authority in these matters, I sent each of the above 3 Negroes to the Distributing Judge, with the most guarded and respectful messages in their behalf.

I have to make known that the Schooner "Carolina," which was condemned, was lately put up at auction; she was bought for the original Owner at a very low price, and sailed for Para, and I am positively assured that from Para she will again proceed to the prohibited Ports in Africa for Slaves.

*The Right Hon George Canning,* (Signed) ROBERT HESKETH.  
*&c. &c. &c.*

No. 86.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received Oct. 21.)*

(Extract.)

*Maranham, August 25, 1826.*

I REGRET that I have to complain of a second glaring infraction of the Slave-trade Treaty, in direct opposition also to the existing Laws of this Country.

I have the honour to enclose a Copy of the Despatch which I addressed on this Case to His Majesty's Consul-General at Rio de Janeiro, detailing every transaction which took place respecting it, and reporting every particular of the Brazilian Brig "*Pedro Primeiro*," the Vessel implicated, in this instance of illegal Traffick in Slaves.

In that Despatch I have ventured to solicit for permission from the Government of Brazil, to make any enquiry I may think fit, from the Custom-House, or from the Chief Authority, on the arrival of Slave-vessels, respecting their Passports, and the Negroes on board; at the same time stating why I anticipate that, without such authority, the future obtainment of correct information on those essential points, will be found very difficult, if not impracticable.

There has been, and will probably continue to be, an obstinate resolution to procure, under all risks, Negroes from the Northward of the Line, they meeting a readier sale, because found to endure, with less loss of life, greater privations of proper care and food, and harder labour than those from the Southward; so that the chief inducement for committing such illegal acts, is a most inhuman determination of profiting to the utmost by the physical construction of those unfortunate beings.

I also think it right to make known, that the Authorities here are disposed to maintain, that, if a Vessel arrive with a legal Passport, having, notwithstanding, Negroes on board from the prohibited Latitudes, still that the presence of such Negroes is not a sufficient cause to proceed against the Vessel, but that to do so it is requisite to prove the act of taking the Negroes from such prohibited Places. So that in requiring, by this erroneous interpretation of the 6th Article of the Convention of 28th July 1817, a proof that can never be procured, a channel is opened for illicit importation of Negroes, to be effected by having in a cargo, those obtained illicitly, covered by a few belonging to the Port specified in the Passport.

*The Right Hon. George Canning,* (Signed) ROBERT HESKETH.  
*&c. &c. &c.*

## First Enclosure in No. 86.

*Mr. Consul Hesketh to Mr. Consul-General Chamberlain.*

(Extract.)

*Maranhã, August 21, 1826.*

I MUCH regret that I have to complain of the conduct of the Chief Authority in this Province, in openly countenancing a second most flagrant infraction of the Slave-trade Treaties, by arbitrarily preventing the execution of those Laws which punish such illegal acts.

The Brazilian Brig, "*Pedro Primeiro*," Jozé da Silva, Master, belonging to Fernando Jozé da Silva, of Parã, arrived at this Port on the 13th instant; on the following day the Vessel was reported at the Custom-House from Cabinda, with 160 Slaves on board, and an Entry for Franquia, or Permission to continue 8 days in Port, was made and signed.

The Master declared that the Vessel's Passport was left at the Secretary's Office, and that it was dated Parã, March, 1824; he was desired to go for it, but did not return during Custom-House hours.

These occurrences were witnessed by my Clerk, who remained at the Custom-House until it was shut, after which time nothing further could legally be done on that day.

On knowing these transactions, I addressed to the President a Letter, the Copy of which I have the honour to enclose, declaring therein, that the "*Pedro Primeiro*" was an illegal Slave-trader, and requiring that Judicial Proceedings should be immediately instituted against her.

That Declaration was made so confidently, because I knew that all the Slaves on board were from the Northward of the Line; that the Brig in question had no regular Passport; that she belonged to the same Owners as the "*Carolina*;" that both these Vessels left Parã in 1824, and were in the West Indies, from whence they proceeded to the Coast of Africa, where, under the direction of Manoel Antonio de Silva Brandaõ, a notorious violator of the Law, they continued trying to evade Cruizers, and infringe the Treaties; and I ascertained that this said Brandaõ was on board the "*Pedro Primeiro*."

About 6 o'Clock in the Afternoon, two hours after my Letter was left at the Government-House, I had convincing proofs of the conduct his Excellency the President was about to adopt, for I perceived that the "*Pedro Primeiro*" was unmooring, and a Government Boat along-side, with the Officer who boards Vessels before their departure.

The "*Pedro Primeiro*" was outside this Port before day-light of the 15th instant; his Excellency having, by allowing her to depart, without the least regard to my Representations, or even to the Laws and Regulations of this Port, directly protected a most notorious infraction of the Treaty, and effectually screened these illicit Slave-dealers from the punishment which they deserved.

About 9 o'Clock in the Morning of the 15th instant, I received an Answer from his Excellency, a Copy of which I also transmit.

At the same time it is my duty not to omit assuring you, that his Excellency the President has hitherto always received my Letters, as soon as they were left with the Aid-de-Camp.

Making, therefore, no further remark on that point, it will appear that, without any application from me, it was his Excellency's natural duty to have made over to competent Judicial Investigation the Case of the Vessel in question, which had anchored in this Port with a Cargo of Negroes, evidently all from prohibited Parts in Africa, without having any legal Passport, or satisfactory Document whatever, to shew, respecting the Voyage.

His Excellency, however, allowed the Vessel to sail, even without any of those Clearances which are required by Law, after a Vessel has once made Entry at the Custom-House.

I have ascertained, most satisfactorily, that no water, provisions, anchor, or any thing whatever, was supplied to the "*Pedro Primeiro*," during her short

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stay in this Port ; so that it is evident the Vessel was brought here with the sole object of landing her Cargo, but that, finding the execution of that purpose attended with difficulty, if not risk, the next object was, at all hazards, to protect from the punishment decreed by the Laws of the Country, the Persons guilty of such illegal acts.

Being fully convinced that, by these Proceedings, the Slave-trade Treaty is in this instance rendered nugatory ; I addressed, on the 17th instant, a Letter to the President, a Copy of which I have also the honour to enclose.

It being stated that the "Pedro Primeiro" sailed for Parã, I gave every particular respecting her to the Vice-Consul, by a departure this Morning.  
*Henry Chamberlain, Esq.* (Signed) ROBERT HESKETH.

Second Enclosure in No. 86.

*Mr. Consul Hesketh to the President of the Province of Maranham.*

*Maranhm, August 14, 1826.*

MOST EXCELLENT AND ILLUSTRIOUS SIR,

A BRAZILIAN Brig, called the "*Pedro Primeiro*," Jacinto Joze da Silva, Master, having arrived at this Port Yesterday with Slaves, and having been this Morning reported at the Custom-House, as only touching here on her Voyage to Parã ; I am called upon to acquaint your Excellency, that I am possessed of information which induces me to declare that this Vessel's Voyage is not a legal one. My publick duty having required me to make this communication to your Excellency, also forces me to solicit that your Excellency may be pleased to refer at once this Vessel's Case to the proper Judicial Authorities in this Port, that the Laws applicable to the infractions of the Slave-trade Treaties may be allowed to take their course.

I have the honour to be, &c.

(Signed) ROBERT HESKETH.

*His Excellency Pedro Joze da Costa Barros.*

Third Enclosure in No. 86.

(Translation.)

*The President of the Province of Maranhm to Mr. Consul Hesketh.*

SIR,

*Maranhm, August 15, 1826.*

IT may be half an hour since the Aide-de-Camp, Joaõ Carlos Machado, who is on duty this Week, delivered to me the Letter you signed under Yesterday's date, and, on my asking him the reason why its delivery was delayed, he answered, that he received it from a non-commissioned Officer, and that, as he knew I was unwell, and did not suppose the Letter of much consequence, he deferred the delivery of it until to-day, which he did about 8 o'Clock this Morning, as is customary when the Bearer does not require its immediate delivery.

I much regret not to be able to prevent the departure of the Brazilian Brig "*Pedro Primeiro*," she having sailed early this Morning for Parã, the Port of her destination, according to her Passport from Cabinda, in order that I might satisfy you respecting your suspicions of her Voyage. Nevertheless, it is to be presumed, that his Excellency the President of that Province will not omit doing, on his part, all which behoves him to preserve unimpeached the faith of those Treaties which we so much respect, and are so anxious to attend to.

God preserve you.

(Signed)

PEDRO JOZE DA COSTA BARROS.

*Robert Hesketh, Esq.*



## Fourth Enclosure in No. 86.

*Mr. Consul Hesketh to the President of the Province of Maranh.**Maranh, August 17, 1826.*

MOST EXCELLENT AND ILLUSTRIOUS SIR,

ON the 15th instant I had the honour to receive your Excellency's reply to my Letter, respecting the Brig "*Pedro Primeiro*," which Letter was dated the 14th instant, and delivered on that day about four o'clock in the Afternoon to a Serjeant, the only Person in the Saloon, where all the Letters which I have had the honour to address to your Excellency have been hitherto left.

It is with the most deep-felt regret that I state to your Excellency, that the Case of the above-mentioned Vessel is a greater infraction of Treaty and of Law than I could have supposed would ever have fallen to my lot to complain of.

It becomes my duty now to report this Case to the proper Departments at the respective Courts of Rio de Janeiro and of London, particularizing in that Report all the extraordinary occurrences which took place, and protesting against your Excellency.

I have the honour to be, &amp;c.

(Signed)

ROBERT HESKETH.

*His Excellency Pedro Joze da Costa Barros.*

## No. 87.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received Nov. 15.)*

(Extract.)

*Maranh, September 15, 1826.*

IN reference to my last Despatch of this Series, dated the 25th ultimo respecting the Brig "*Pedro Primeiro*," an illegal Slave-trader, I have now to make known that this Vessel, instead of proceeding to Para, has been taken into the Bay of Tury, on the confines of the neighbouring Province of Para, where the Slaves have been landed, contrary to all the Revenue Laws of this Country.

The fact of smuggling the Slaves into the District of Tury is an undeniable confirmation of a total violation of the Law and Treaty affecting the Case.

The District of Tury being in the Province of Para, any application to the President of Maranh, in his Excellency's present determination, would be only attended with the declaration, that the offenders were beyond his Excellency's Jurisdiction.

I therefore addressed the enclosed Despatches to the President of Para, and the British Vice Consul at that Port.

I shall communicate these events to His Majesty's Consul-General at Rio de Janeiro by the first opportunity.

I do not expect to receive an answer from Para before the middle of October.

(Signed)

ROBERT HESKETH.

*The Right Hon. George Canning,*

&amp;c.

&amp;c.

&amp;c.

## First Enclosure in No. 87.

*Mr. Consul Hesketh to the President of the Province of Para.*

SIR,

*Maranh, September 11, 1826.*

A BRAZILIAN Brig, called the "*Pedro Primeiro*," Jacinto Joze da Silva, Master, having arrived at this Port on the 13th ultimo, from the Coast of

Africa with Slaves on board, and it being known to me that the voyage of this Vessel was illegal, it became my duty to apply to his Excellency the President of this Province, calling his Excellency's attention to that infraction of the Slave-trade Treaties.

For your Excellency's information, I beg leave to enclose a Copy of the Correspondence which took place on this Case, between his Excellency the Most Illustrious Snr. Pedro Joze da Costa Barros and myself.

From that Correspondence your Excellency will learn, that the Brig "Pedro Primeiro" left this Port, bound direct to that of Para, and also that none of the Slaves in question were landed here through the Custom-House, nor any of the customary Duties paid.

I am this Morning informed that, instead of proceeding to Para, all the Slaves have been landed at Tury from the Brig "Pedro Primeiro." As Tury is within your Excellency's Jurisdiction, I am transmitting to the British Vice-Consul residing at the Seat of your Excellency's Government, every particular of the information I have received respecting the proceedings at that Place, with instructions to communicate the same to your Excellency.

From those Proceedings your Excellency will find that the Parties concerned in them have retreated into the Province of Para, for the purpose of committing there those violations of the Law, which they could not carry into effect in Maranham; but I am confident that this aggravated Case will, on being thus brought under your Excellency's observation, at once feel the full weight of that energy and zeal which have always distinguished the exercise of your Excellency's high functions.

The publick duty of this Consulate extending to the Port of Pará; and an Official, and I may add serious report of the Case of the Brig "Pedro Primeiro" having been already transmitted to our respective Courts, I deem it a duty of respect and attention towards your Excellency thus to address myself, independent of my Communications on the subject to the British Vice-Consul at that Port.

I have the honour to be, &c.

(Signed) ROBERT HESKETH.

*His Excellency Joze Felix Pereira de Burgos.*

Second Enclosure in No. 87.

*Mr. Consul Hesketh to Mr. Vice-Consul Hesketh.*

SIR,

Maranhm, September 11, 1826.

In reference to the contents of the enclosed Copy of my Despatch, dated 19th ultimo, respecting the Brig "Pedro Primeiro," I have now to acquaint you, that this illegal Slave-trader has put into the Bay of Tury, instead of proceeding to Pará, and all the Slaves have been landed there in the two following Plantations, viz. in the Fazenda of Captain Joze Gonçalves in Sao Joao, either 20 or 40 Slaves, and in that of Bento Roque da Silva at Ponta Grossa, the remainder of the Slaves.

As the District of Tury is under the Jurisdiction of the President of Pará, I cannot here take any steps, but I have to call your attention to this infraction of the Treaties, and also of the Custom-House Regulations of this Country, and I doubt not that your representations to his Excellency the President will be attended with success. I enclose a Despatch which I addressed to his Excellency on this subject, referring his Excellency to you for every particular of this glaring instance of disregard to all Law, which Despatch you will lose no time in delivering. I also transmit enclosed a Maranhm Newspaper, in which is mentioned, in the last page, the report made here of the number of Slaves on board the "Pedro Primeiro," but I doubt whether even the number reported was correct.

I have the honour to be,

*John Hesketh, Esq.*

(Signed)

ROBERT HESKETH.

## No. 88.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received Nov. 15.)*

SIR,

*Maranham, September 27, 1826.*

I HAD yesterday the gratification to receive the Despatch, of the Slave-trade Series, dated June 22, in which I am honoured with your most flattering commendation for the manner in which I discharged my duty on the arrival of the Schooner "*Carolina*."

The treatment experienced by the Negroes landed from that Vessel still continues to be most cruel and shameful, these unfortunate Persons being still Slaves under peculiar hardships.

I have already reported their situation to His Majesty's Consul-General at Rio de Janeiro, and, in obedience to your Orders, shall, in repeating that Report, detail at length the most effectual steps to remedy such abuses, transmitting a Copy thereof according to your Instructions; and only now remarking, that those guilty of the past abuses of the Law ought to be severely punished, and some respectable Person, independent of the Local Authorities, authorized to act as Guardian or Superintendent of the free Negroes.

I have the honour to be, &c.

(Signed) ROBERT HESKETH.

*The Right Hon. George Canning,*  
&c. &c. &c.

## No. 89.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received Dec. 22.)*

(Extract.)

*Maranham, October 14, 1826.*

HAVING, in a Despatch of this Series, dated September 15, made known the illegal manner in which the Slaves were landed on this Coast from the Brig "*Pedro Primeiro*," I have now the honour further to state, in reference to the said Despatch, that some of the Slaves in question were brought to this City; and that, although every particular of this occurrence was detailed by me to his Excellency the President, soliciting redress for such transgressions, nothing but an evasive answer was returned.

From the enclosed Copy of my Letter to his Excellency, every particular of this occurrence can be seen; and, by his Excellency's Reply, it appears that every step for the investigation of this affair is evaded.

(Signed) ROBERT HESKETH.

*The Right Hon. George Canning,*  
&c. &c. &c.

First Enclosure in No. 89.

*Mr. Consul Hesketh to the President of the Province of Maranham.*

MOST EXCELLENT AND ILLUSTRIOUS SIR, *Maranham, October 7, 1826.*

THE Brig "*Pedro Primeiro*," regarding which I have already had the honour to correspond with your Excellency, was, I much regret to state, taken into the Bay of Tury, on her departure from hence, and the Slaves landed on the Confines of the Province of Pará, in defiance of all Law.

I have represented that proceeding to his Excellency the President of Pará, declaring it to be one as much at variance with the Laws of this Empire, as with the Stipulations of the Slave-trade Treaties; and I enclose, for your Excellency's information, a Translation of that Representation.

Much as I lament the determined disregard of Law manifested by those concerned in the Brig "*Pedro Primeiro*," I equally regret that there should

exist any necessity for soliciting your Excellency's attention to proceedings in this Port, notoriously connected with such illegal acts. The Slaves who were clandestinely landed at Tury from the Brig "Pedro Primeiro," are now beginning to appear in this City. By the Sumaca "Leopoldina," Joze da Maia, Master, which arrived from Tury on the 4th instant, Fourteen of those Slaves were brought, and reported as sick Negroes requiring medical relief: but the fact is, that these 14 Negroes are all Cacheo Blacks, landed at Tury from the said Brig; 5 of them were taken to the House of Antonio Martins da Silva; 1 to that of Manoel da Silva Povoas, and the remainder were concealed by the said Master in some place of which I am ignorant. I also fear that many others have been brought by the different Coasters occasionally arriving from the neighbourhood of Tury.

Your Excellency being now in possession of every particular of my Representation to Pará, of the illegal proceedings at Tury, and of the name of the Person who brought from thence some of the Negroes in question, will, I doubt not, take the needful steps to give due course to the Laws which uphold the Stipulations of the Slave-trade Treaties.

I have the honour to be, &c.

(Signed) ROBERT HESKETH.

*His Excellency Pedro Joze da Costa Barros.*

Second Enclosure in No. 89.

(Translation.)

*The President of the Province of Maranhão to Mr. Consul Hesketh.*

SIR,

*Maranhão, October 9, 1826.*

I HAVE before me the Letter which you addressed to me on the 7th instant, respecting the affair of the Brig "Pedro Primeiro," to which I have to answer the following.

After highly praising your zeal in the discharge of your duty in that respect, it behoves me to declare to you that, until the decision of the first question, whether or not those Slaves were obtained to the Northward of the Line, we cannot proceed legally in their apprehension, because, the Master of that Brig having presented at this Secretary's Office a Passport from the Port of Cabinda, I do not suppose that any transgression has been committed against the Law respecting the Slave-trade Treaties, the express letter of the Law prohibiting the carrying on the Trade only to the Northward of the Line. It is, nevertheless, possible, that that Passport may not be a true one, but, as you have addressed his Excellency the President of the Province of Pará, for which Quarter those Slaves were shipped, according to Documents, perhaps the Government of that Province may, by a greater perspicuity and sagacity, detect the imposture, which was not discovered here. Reason, and the due administration of justice, therefore demand, that we should wait the result of the Investigations at Pará, where the Brig and the Master are at present, in order that, at sight of such Investigations, proceedings may be instituted, without attacking the right of property guaranteed by the Constitution of the Empire.

I have already shewn to you, that I have the greatest respect for the Laws, and that I shall do all in my power that they be respected, without it being for that purpose requisite that you should come forward to remind me.

God preserve you.

(Signed) PEDRO JOZE DA COSTA BARROS.

*Robert Hesketh, Esq.*

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received Dec. 22.)*

SIR,

Maranham, October 28, 1826.

HAVING had the honour to make known in my Despatch of this Series, dated September 15th, that I had addressed the President of Para, respecting the illegal proceedings in that Province with the Negroes by the "*Pedro Primeiro*," I now enclose a Translation of his Excellency's Answer.

I have also received from the British Vice-Consul at that Port, a full Report of what took place there respecting that Brig up to the 30th ultimo, a Copy of which Report I have the honour to enclose.

It appears, that on Receipt of my Communications, the Vice-Consul had information that the "*Pedro Primeiro*" was anchored in an unfrequented Bay, and that he, with the Commander of His Majesty's Ship "*Primrose*," obtained, at a Conference with the President, permission to detain, with the Boats of His Majesty's Ship, the said Vessel.

The Officer-like and effectual manner in which that service was performed, notwithstanding the secret plans for the escape of the "*Pedro Primeiro*," was not sufficient to suppress the President's dissatisfaction at the non-attendance in the Boats, of those Brazilian Officers, who were, in fact, too tardy in obeying his Excellency's Orders; and who, after boarding the Vessel, made a most extraordinary Statement respecting the evidence of the landing of the Negroes.

The Case being now, however, in a regular and formal course of Investigation, I do not despair of the ultimate Condemnation of the "*Pedro Primeiro*," and the Emancipation of most of the Slaves brought by her from Africa.

I beg leave to enclose a Copy of the Despatch which I am addressing on this subject to His Majesty's Chargé d'Affaires at Rio de Janeiro.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) ROBERT HESKETH.

First Enclosure in No. 90.

(Translation.)

*The President of the Province of Para to Mr. Consul Hesketh.*

SIR,

Para, September 28, 1826.

BEING now, on the departure of the Schooner "*Carolina*" for that Province, very much engaged in preparing for the Packet "*General Lcor*," destined to the Court of Rio de Janeiro, I am barely able to have the pleasure of communicating to you, that I have received your Letter of the 11th instant, respecting the Cargo of Slaves brought by the Brig "*Pedro Primeiro*" from the Port of Maranham to this, and that I, in consequence, took every measure which was in my power, communicating to you more particularly by the Land Post, all which has occurred in this respect, and I suppose that the Vice-Consul in this Place will have made known to you the energy of my proceeding in such an affair. God preserve you.

(Signed)

JOSE FELIX PEREIRA DE BURGOS.

*Robert Hesketh, Esq.*

Second Enclosure in No. 90.

*Mr. Vice-Consul Hesketh to Mr. Consul Hesketh.*

SIR,

Para, September 30, 1826.

I HEREIN enclose you a Copy of my Despatch, dated 12th instant, respecting the Brig "*Pedro Primeiro*."

In reference thereto, I further hand you a Copy of my Correspondence with his Excellency the President, relative to Captain Vernon, of His Majesty's Ship the "Primrose," and the delay occasioned in his not transmitting earlier to his Excellency the Papers belonging to the "Pedro Primeiro."

I also enclose you Copies of the Correspondence between Captain Vernon and his Excellency, in which he amply vindicates all his proceedings.

I have now to acknowledge the receipt of your Despatch, dated 11th instant, with its Enclosures.

The contents of the same have been duly communicated to his Excellency the President of this Province, and I enclose Copies of my Correspondence with him on the subject, by which you will perceive, that the matter has been referred to the Judicial Authority of this Province; and as this Case is evidently an infraction of the first Additional Article of the Convention of 28th July 1817, signed at Lisbon the 15th day of March 1823, it will, no doubt, come ultimately before the Mixed Court at Rio de Janeiro.

To prevent, therefore, any inconvenience arising from garbled Statements going from hence to the Court of Rio de Janeiro, I have forwarded to His Majesty's Consul-General, Copies of what has transpired here, and, enclosed, I have the honour of handing you a Copy of my Despatch to him.

I have the honour to be, &c.

*Robert Hesketh, Esq.*

(Signed) JOHN HESKETH.

#### Second Enclosure (A.) in No. 90.

*Mr. Vice-Consul Hesketh to Mr. Consul Hesketh.*

SIR,

*Para, September 12, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch of the 19th ultimo, with its Enclosure, relating to the Case of the Brazilian Brig the "Pedro Primeiro."

In answer thereto, I have the honour to state, that upon receipt of the same, I immediately repaired on board His Majesty's Ship "Primrose," which Vessel arrived here on the 2d instant, in consequence of my Despatch of May 8th, to the Commander-in-Chief of His Majesty's Naval Forces at Barbadoes, of which I have had the honour of transmitting you a Copy, and communicated the contents to the Commander, Octavius Vernon, Esq., adding at the same time, that I had received through private channels, certain information, that the Vessel in question was then at anchor in the Bay of Santo Antonio, half a tide from the City, and that she intended to land, or had landed, the Slaves.

As it did not come under the line of his Instructions to seize a Vessel so circumstanced, it was mutually agreed between us to wait, conjointly, on his Excellency the President, in person, and that Captain Vernon should communicate the suspicious circumstances under which she was met with at the entrance of this River, as corroborating the information I then gave, at the same time politely offering his services in detecting such a scandalous infringement of the Treaty.

These offers were immediately accepted by his Excellency, who, in the most unqualified manner, authorized Captain Vernon to act in the best way that his judgment pointed out for the good of the service, offering a Pilot and every assistance to that end.

The consequence was, that the Boats belonging to His Majesty's Ship "Primrose" took possession of the said Brig "Pedro Primeiro" the same day, the 4th instant, and on the following she was brought up to the Anchorage off this City, and finally delivered up to the Brazilian Government, with her Papers, for Adjudication.

It is proper to observe that, on taking possession of the said Brig, neither the Master nor any Slaves were found on board, nor were any Documents found but her Log-Book and Fort-Pass from Maranham, and some very

old-dated Papers. The disembarcation of the Slaves by Captain Vernon's Report, appeared to have been effected immediately previous to the capturing of her.

I accordingly addressed a Letter to his Excellency, a Copy of which I have the honour to transmit you herein, and I shall further hand you particulars of what may yet transpire on this affair.

I cannot conclude this, without expressing my thanks for the zeal and activity evinced by Captain Vernon, and the Officers and Men under his command, to whose prompt measures the success of this expedition is solely to be ascribed, and particularly so as information had been brought me, that the Brig intended to weigh anchor that very tide, and quit the River.

I have the honour to be, &c.

*Robert Hesketh, Esq.*

(Signed) **JOHN HESKETH.**

Second Enclosure (B.) in No. 90.

*Mr. Vice-Consul Hesketh to the President of the Province of Para.*

*Para, September 5, 1826.*

**MOST EXCELLENT AND ILLUSTRIOUS SIR,**

IN compliance with the permission which your Excellency was pleased to give yesterday, to the Commander of His Majesty's Ship "Primrose," to assist with the Ship's Boats in bringing to this City the Brazilian Brig "*Pedro Primeiro*," suspected of being concerned in illicit Slave-trade, I have the honour to acquaint your Excellency that the said Brig is now anchored in this Port.

The information which was received respecting this matter from His Britannick Majesty's Consul at Maranhão, has been in a manner verified, because no Slaves were found on board that Vessel, although 160 were reported at Maranhão.

I therefore solicit that your Excellency may be pleased to investigate this Case, and the fact of the landing of Slaves, since the departure from Maranhão.

I have the honour to be, &c.

(Signed) **JOHN HESKETH.**

*His Excellency Joze Felix Pereira de Burgos.*

Second Enclosure (C.) in No. 90.

(Translation.)

*The President of the Province of Para to Mr. Vice-Consul Hesketh.*

**SIR,**

*Para, September 5, 1826.*

WHEN you yesterday presented yourself to me with the Representations made by the British Consul at Maranhão, to the President of that Province, and with the Answer from the latter, I was perhaps led by the sincerity of my character, in matters concerning the guarantee of Treaties with Nations, the Allies of this Empire, and elevated by an excess of austerity in the justification of that character, to forget that it was not very befitting to charge others with the duty of detaining the Vessel which you told me was anchored in the Bay of Saint Antonio, and which you knew was the one declared in the said Representations of the Consul at Maranhão, to have on board Slaves obtained from ports prohibited by the Treaties, it being my right, as President of this Province, particularly to have ordained steps for that purpose, when it was clear to me the Vessel the "*Pedro Primeiro*" was the property of Brazilian Subjects. However, I could never expect that the British Officers, who were only charged according to my Orders with the service of ascertaining whether Slaves were brought and preventing their departure, should go the length of

seizing Papers, which have not, up to this date, been delivered to me; and which I demand of right, as the first Authority who ought to examine them, and transmit them to the competent Judge, if it be requisite to take judicial cognizance of them.

I cannot also help remarking, that a Vessel leaving this City should be forced to submit to be boarded in sight of the Forts by the Boats returning with the British Officers from the said Brig "Pedro Primeiro," and this, although there was on board the Vessel an Officer of the Brazilian Navy, who, according to the Order I gave the Intendant, ought to have accompanied the Officers of the British Navy, but who did not, in consequence of the non-execution of my Order.

It is therefore my duty to acquaint you, that I am waiting for the Papers which I have claimed, and that I am about sending a National Guard and Officers on board the Brig, the British Officers who may be there then retiring, and that the Brig ought to be brought to the customary Anchorage: you being at liberty to adopt the steps which are lawful amongst Nations, and in which I shall co-operate as the principal Representative of His Imperial Majesty in this Province, and it being your duty to make this much known to the Commander of the British Sloop of War.

God preserve you,

(Signed) **JOZE FÉLIX PEREIRA DE BURGOS.**  
*John Hesketh, Esq.*

Second Enclosure (D.) in No. 90.

*Mr. Vice-Consul Hesketh to the President of the Province of Para.*

*Para, September 5, 1826.*

**MOST EXCELLENT AND ILLUSTRIOUS SIR,**

**AFTER** closing the Letter which I had this day the honour of addressing to your Excellency, I received one from your Excellency of the same date.

In answer, I have to acquaint your Excellency, that the Commander of His Britannick Majesty's Ship "Primrose" took charge of the Papers belonging to the Brazilian Brig "Pedro Primeiro," in order to transmit them to your Excellency according to his duty, and that he could not comply with that duty sooner, not having a Person who could write the Portuguese Language.

In the mean time he is ready to acquaint your Excellency personally with all your Excellency may wish to know.

I have the honour to be, &c.

(Signed) **JOHN HESKETH.**

*His Excellency Joze Felix Pereira de Burgos.*

Second Enclosure (E.) in No. 90.

*Captain Vernon to the President of the Province of Para.*

*His Britannick Majesty's Ship "Primrose,"  
Para, September 5, 1826.*

**MOST EXCELLENT AND ILLUSTRIOUS SIR,**

**I HAVE** the honour to inform you, that the Boats of His Majesty's Ship under my command, were dispatched yesterday Afternoon, (with the sanction and authority of your Excellency) to the Bay of St. Antonio, to detain and secure the Brazilian Brig "Pedro Primeiro" upon official information received from His Britannick Majesty's Consul, of the above-named Brig's being then actually engaged in the illicit Traffick in Slaves. The Papers from Maranhão, containing the notice of it, and relating the particulars, have been



already laid before your Excellency, which, at the same time, is all strongly corroborated by a variety of highly suspicious circumstances, coming within my own knowledge and observation, and of which I apprised your Excellency.

I have now to report that the "Pedro Primeiro" was taken possession of, agreeably to my instructions, and brought up to this Anchorage this Morning. I beg leave to transmit herewith the whole of the Papers that were taken from on board of her, for your Excellency's inspection; and to report that no Slaves were found on board, but to all appearance had been just previously landed; and indeed we have information to that effect, that part were landed previous to her arrival in this River, and the remainder in the Bay of Santo Antonio. The Master of the Vessel has not appeared, and the fact of his absconding is strong presumptive evidence of guilt, had we none more decisive. I have now to request to know what your Excellency's pleasure is with regard to her, considering it my duty to surrender her up to whosoever you may deem fit to take charge of her, till in due course the Case may be brought to trial, and adjudged by the competent Judicial Authorities: in case of Condemnation, of which it appears to me there can be little or no doubt, reserving in behalf of the Officers and Crew of His Britannick Majesty's Ship, a claim as Seizors to a moiety of the Nett Proceeds. I have the honour to be, &c.

(Signed) OCTAVIUS VERNON.

*His Excellency Joze Felix Pereira de Burgos.*

Second Enclosure (F.) in No. 90. (Translation.)

*The President of the Province of Para to Captain Vernon.*

SIR,

*Para, September 5, 1826.*

I HAVE received your Letter of this day's date, together with another from the British Vice Consul, from whom I required, in my Letter of this day, the Papers belonging to the Brazilian Brig "*Pedro Primeiro*," from Maranhão, which Papers were seized by your Officers without my authority to do so, or to take possession, and place guards on board of her, she being at anchor within the "Primeiras Vigias," with the Brazilian Colours flying.

All that was permitted in the Conference with you and the Vice Consul, was only that her departure should be prevented, wishing in this manner to prove the good faith with which the Presidents in this Empire guaranty the Treaties existing between Great Britain and the Brazil, particularly after I saw the second Letter which the Consul at Maranhão addressed to the President there, in which his Excellency is made responsible before His Imperial Majesty, although the President, in the answer to the said Consul's first Letter, alleged that, by unforeseen events, it had been impossible to detain the said Vessel for the purpose of examination, but that being bound to this City, her proper Port of discharge, he doubted not that I, as President of the Province, would make every examination.

Therefore, whether the Vessel be or not judged as coming from a prohibited Port, I can never allow the half of the Proceeds, which you claim for the Officers of His Britannick Majesty's Ship, because I made no agreement when, by a mere excess of frankness, I allowed that her departure should be prevented, supposing that, as you were also zealous in maintaining the said Treaties, you and the Vice Consul had voluntarily presented yourselves, wishing to witness by your Officers the Cargo of that Vessel, it being impossible that I could conceive a Commander of a Foreign Vessel could have any other object in addressing himself to me upon such an affair. Indeed, so much so that I ordered, through the Marine Intendant, National Naval Officers, to examine the said Vessel, and they were the same to whom, in my above-quoted Despatch to the Vice Consul I allude, as improperly overhauled by the British Officers. I had also another object in that step, which was, that at no time either the British Consul at Maranhão, the Vice-Consul here,

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yourself, or any British Subject whatever, should persuade himself that the Presidents of His Imperial Majesty sanction such illicit Traffick. It is also evident that I have no right to permit that Prizes should be made under the National Forts, where even Foreign Vessels cannot be taken by Vessels of other Friendly Nations. How much more does the seizure of a Vessel belonging to a Brazilian Subject, and which had no appearance of being about to depart, being within the "Primeiras Vigias" with a Passport for this City, belong to this Nation; and it is so true that this Vessel was not ready to depart, that the Master was not on board, without that circumstance being a necessary consequence of motives of dread, but because he came for some assistance, for had it been from dread, he would never have anchored in such an exposed Place.

There is further to observe, in attention to this conjecture, that from the Document furnished by the Naval Officer I sent for the purpose of examination on board, it appears that there are not any indications of Slaves having been on board, as also appears from the Papers taken by your Officers, which were transmitted by you.

It remains for me to inform you, that the Brig must be given up to the National Guard I am sending for the purpose, and that the Papers will be transmitted to the competent Judge. God preserve you.

(Signed) JOZE FELIX PEREIRA DE BURGOS.

*Captain Vernon, Commander of  
H. B. M. Sloop-of-War "Primrose."*

Second Enclosure (G.) in No. 90.

*Captain Vernon to the President of the Province of Para.*

*H. B. M. S. "Primrose," Para, Sept. 6, 1826.*

MOST EXCELLENT AND ILLUSTRIOUS SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of yesterday's date, and in reply thereto, I feel it quite incumbent upon me to trouble you at some length, far above what I could wish. It is the first part of your Excellency's Letter alone which requires my more immediate notice and observations thereon, and it is with feelings of considerable surprise and regret that I find the tenour of it so widely different from what I had certainly every reason to expect. I had flattered myself that the prompt and successful execution of the service which your Excellency did me the honour to entrust to me, given in the most ready, handsome and most friendly manner; the fullest and strictly unqualified power to perform it in any way I might deem most effectual and advisable; would have been followed by some expression at least of approbation, if not thanks. But on the contrary, to my utter astonishment, your Excellency, in a very different spirit from what I could have possibly anticipated, rather expresses displeasure, and charges the Officers of His Britannick Majesty's Ship with having exceeded the authority granted: it gives rise to feelings which I shall refrain from expressing; but it becomes necessary that I should examine these charges in detail, and explain and vindicate their conduct, which I beg to say has my fullest approbation, and merits my warmest thanks, for their zeal and activity, and correct discharge of their duty; excepting, however, the Case of the Schooner, which your Excellency justly notices in your Letter to the Vice Consul, and which I am most anxious to assure you I myself considered in the same light: it accordingly met my displeasure, and I censured the conduct of the Officer on that occasion, who unfortunately was thoughtlessly led away by a mistaken zeal in the service in which he was engaged. I deeply regret this circumstance, anxiously desirous that nothing should occur to interrupt or weaken the cordiality and harmony happily existing so strongly between the two Nations.

I must now call to your Excellency's mind, that, in the conference that the Vice Consul and myself had the honour of having with you, I was given

to understand, most explicitly and decidedly, that I not only had your Excellency's most perfect and full sanction, permission, and authority, to proceed as I thought best, in the Ship, or by Boats, to detain and secure the "Pedro Primeiro," but also any assistance was offered in case of my requiring it. Upon which I thanked your Excellency, and replied, all I wished was a Pilot to bring her up to the City, which you most kindly immediately ordered, asking where he should be sent to. But I most positively declare that it never was intimated to me at all, that any Brazilian Officer was to accompany our Boats, nor even a Pilot, excepting by my wish, and the circumstance of his not going with them arose from his coming on board so late, half an hour after our Boats had left, which I assured him that I lamented exceedingly; that I had unfortunately no other Boat fit to send, but that if one could be procured on Shore, I would send men. The reason of my being unwilling to detain the Boats longer, was, that I felt assured the Brig would receive information of our intentions, so as either to prepare for a defence, or avail herself of the latter part of the ebb tide to drop lower down the River, and thereby effect an escape. It will appear I was amply justified in the above conclusion, for the fact was, that a Canoe started express from the City half an hour previous to our Boats, carrying information to her; but was anticipated and overtaken by the activity and exertion of my Officers and their Boats' Crews. I now come to notice the stress your Excellency lays upon the Officer commanding the Boats possessing himself of the Brig's Papers without your authority, and also his placing Sentinels on board her. I must observe that had he so far forgotten himself as to neglect that duty, which I confidently state is universally considered by all Maritime Nations to be of the first and most paramount importance in every Case of detention, he would have been deserving of the most severe censure.

Moreover, I have to inform you, that my positive Instructions with which I am furnished, as agreed upon by Treaty between the Brazilian and British Governments, strictly require that, on detaining any Vessel, the Captains shall secure and take charge of the Papers, for subsequent delivery to the proper Authorities and Tribunals. At the same time we are instructed, that every care and diligence shall be taken, that nothing on board is to be injured or taken away. For which purpose I submit that it is essential, and the practice in every Case, to insure this, to place Sentinels, which was accordingly done, not supposing it would be construed into disrespect to the Brazilian Flag. With respect to her offering resistance, it is impossible to say whether she would have attempted any or not had we not been too expeditious to allow her any time for preparation.

I do hope, on consideration, your Excellency will see and admit that it was manifestly for the benefit of the Brazilian Government, as well as being in compliance with my Orders, and the general practice of all Nations, that the strictest care should be taken of all Papers found on board, on the detention of a Vessel, to guard against accidental loss or wilful destruction. On these grounds alone were the Papers of the "Pedro Primeiro" taken and conveyed to me, to enable me to transmit them to your Excellency; in so doing I much regret that there was some unavoidable delay, arising from the difficulty of getting my Letter translated, so that your Letter on the subject had reached the Vice Consul previous to the forwarding of mine.

Your Excellency, I am sure, cannot but do me the justice to acknowledge, that in no way, nor by any expression, was the power and authority you were kind enough to grant me limited or qualified; that it extended to the positive detention of the Brig. What followed was clearly a matter of course, there having been no deviation from our Laws and Customs in such Cases. It could not be expected that I should possibly know whether or not your Excellency could invest me with the power and authority you did. But having received such, it only remained to me faithfully and quickly to act upon it; which I trust I did, though I regret that, in return, I should experience your dissatisfaction; still less it became me to point out that Brazilian Officers alone should have undertaken the service. I cannot but most sincerely lament

that any feelings of jealousy should have been excited on this occasion, on which but one feeling ought to exist between and unite us, dictated by duty and humanity, an anxious desire and zealous co-operation to bring to justice every Violator of the Laws of his Country. With regard to what I said, as to a share in the Proceeds in case of Condemnation, I only fulfilled my bounden duty towards the Officers and Men under my command. It appeared to me to be a Case that, beyond doubt, would have to be brought to trial before the Mixed Commissioners at Rio de Janeiro, in which case a moiety would be adjudged to the British Government, but if your Excellency thinks fit, upon your own responsibility, to have it tried in the Courts of this Province, it alters the case, and no remuneration for their trouble and exertions can be claimed or looked for. I cannot conceal my surprize that your Excellency should have any doubt as to the "Pedro Primeiro's" having had Slaves on board, for it is distinctly stated in her Log, and officially known, that 160 were actually reported at Maranham and not there landed. Further, from the confession of some of the Crew on board of her, that they have been since landed in part on the Coast, and the remainder in this River.

Under these circumstances she never could have ventured to anchor here, and I feel confident that she would not have remained one hour longer in the Bay of Santo Antonio than she could avoid, and that, having unfortunately succeeded in landing her Slaves, she was solely detained by the want of an anchor and some provisions, which were on their way down to her at the same time our Boats were proceeding to detain her. Moreover, the Pilot, Correia, was engaged to take her out. It cannot, in conclusion, escape your Excellency's notice, that the want alone of a regular Passport renders her voyage illegal, which, according to the information from His Britannick Majesty's Consul at Maranham, she cannot produce.

In short, considering it altogether so gross an infraction of the Slave Treaty, I do hope and rest assured, that your Excellency will ultimately view it in the same light, and proceed against all the Parties concerned, with the utmost rigour of the Law.

I have the honour to be, &c.

(Signed) OCTAVIUS VERNON.

H. E. Joze Felix Pereira de Burgos.

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Second Enclosure (H.) in No. 90.

*Mr. Vice-Consul Hesketh to the President of the Province of Pará.*

*Pará, September 16, 1826.*

MOST EXCELLENT AND ILLUSTRIOUS SIR,

I HAD the honour to address a Letter to your Excellency on the 5th instant, making known the arrival of the Brig "*Pedro Primeiro*" at her Anchorage in this city.

At the same time I acquainted your Excellency that the information received from His Britannick Majesty's Consul at Maranham was in some measure verified by the fact of no Slaves being found on board that Vessel, and I asked your Excellency to be pleased to investigate this matter, and the landing of the Slaves after her departure from Maranham.

I have now to acquaint your Excellency that I have this day intelligence from His Britannick Majesty's Consul at Maranham, that the said Slaves were landed at Tury.

Your Excellency will perceive that, independent of an infraction of the Treaties, there is an outrage on the Custom-House Regulations of this Country, and I feel convinced your Excellency will not allow to pass unnoticed such a direct transgression of the Laws.

I shall have the greatest satisfaction to know the result of your Excellency's determination, respecting the important objects, which it has been my lot to place before your Excellency.

I have the honour to be, &c.

(Signed) JOHN HESKETH.

*His Excellency Joze Felix Pereira de Burgos.*

Second Enclosure (I.) in No. 90. (Translation.)

*The President of the Province of Pará to Mr. Vice-Consul Hesketh.*

SIR,

*Pará, September 17, 1826.*

I HAVE received your Despatches, dated the 5th and 16th instant, the latter accompanied with that from His Britannick Majesty's Consul in Maranham, to whom I shall reply by the first opportunity.

In the mean time I assure you, and the same you can communicate to the said Consul, that I have, under this day's date, dispatched from this Secretary to all the Towns on the Coast, decisive Orders addressed to the Civil and Military Authorities, making them responsible for a legal Investigation of every matter relating to the suspicions and indications which you inform me you have of the smuggling of the Slaves, which you say were destined for this City, on board the Brazilian Brig "*Pedro Primeiro*," from Ports where such a Traffick is prohibited by the Treaties; and that in case such Slaves are found or heard of, to remit the proofs to the "*Ouvidoria Geral*" of this District, in order that the competent Judge to examine into such Contraband, may proceed in the manner I have ordained in my Despatches, dated the 4th and 9th instant, Copies of which I transmit, in order that you may be informed of all the steps I have taken in this matter, and that it is to the said Judge, to whom I have, as the competent Authority, directed every Paper and Order respecting this affair, that you ought to address yourself for any Judicial acts which you as a Person interested in such Matters may deem requisite.

God preserve you,

(Signed) JOZE FELIX PEREIRA DE BURGOS.

*John Hesketh, Esq.*

Second Enclosure (J.) in No. 90. (Translation.)

*The President of the Province of Pará to Doctor Ferreira.*

*Pará, September 4, 1826.*

THE British Publick Agent in this City, Mr. Hesketh, having informed me, that he had intelligence, that in the Bay of Saint Antonio, there was a Brig at anchor, which he was told had Slaves on board, obtained from Ports where such a Traffick is prohibited by Treaty between Portugal and Great Britain, and other Nations, amongst whom Brazil is also included; and the said Vice-Consul having also shewn me the Correspondence which took place between the British Consul and his Excellency the President in the Province of Maranham, from which it is seen that the Brig "*Pedro Primeiro*" entered that Port not having a legal Passport to come from such prohibited Places, and ultimately departed unexpectedly for this City, where she was bound according to her Passport, and this before her departure could be prevented by the President of that Province, in virtue of the Declaration and Information of the said Consul; requesting therefore that I should allow the Commander of His Britannick Majesty's Sloop of War "*Primrose*," then in this Port to go in search of her, I not only promised every assistance required for this service, but also

assured him that I should on my part do every thing that was requisite, and accordingly procured a Pilot and a Naval Officer, to proceed in the Boats of His Britannick Majesty's Ship to capture the said Brig, ordering you under the heaviest responsibility to take every step in your official duty; not only as Magistrate of the Police, but also as Superintendent of Contraband, in order to prevent as well the breaking and infringement of the said Treaties, as also most particularly to prevent frauds on the Revenue of the Imperial Treasury, even though the Slaves should come from Ports not prohibited, so that the contagion of any disease they may bring should be presented.

God preserve you,

(Signed) JOZE FELIX PEREIRA DE BURGOS.

*Doctor Joaquim Mariano Ferreira,  
Ouvidor pela Ley.*

Second Enclosure (K.) in No. 90.

(Translation.)

*The President of the Province of Para to Doctor Ferreira.*

*Para, September 9, 1826.*

I TRANSMIT to you a Nautical Journal, or Diary, also a Pass for the Fort in the Port of Maranhão, signed by his Excellency the President of that Province, and another signed by the Provisional Junta of this City, on the 16th January 1824; likewise a Letter from the Chief Health Officer, *ad interim*, João Bento Rodrigues Fernandes, dated 28th August 1825; likewise a Muster-Roll signed by Antonio Marques da Costa Soares, Secretary of the Government at the Cape de Verd, the whole belonging to the Brazilian Brig "*Pedro Primeiro*," which was found anchored in the Bay of Saint Antonio, in a Gulf of the River of this Capital, and where she was improperly searched by the Officers of His Britannick Majesty's Sloop-of-War "*Primrose*," and seized, by abusing the simple authority I gave the Commander of that Sloop-of-War, which was merely to prevent the departure of the said Brig, while I took every requisite step in my power to investigate exactly, according to the legal forms, the Cargo on board, proceeding according to the Laws of the Empire in the event of finding on board Slaves from Ports prohibited by Treaties between Brazil and other Nations, or of its being shewn that frauds had been committed. You will, therefore, proceed in conformity to my first Despatch, dated 4th instant, in all examinations respecting such objects, to the end that the legality or fraud of such Papers may be verified, as well as the truth whether or not the said Vessel came from the prohibited Ports, and whether she can be ultimately given up to her Owners, or to the Fiscal if the Case and the Laws so determine, it being your duty to facilitate to the Owner or Owners their just right in all such matters, until the final Sentence or Decision, continuing under the conviction, that no Individual of the said Sloop-of-War is entitled under any principle, or in any case whatever, to any part of the said Vessel, her Cargo, or Proceeds; in so much as I, only wishing to shew the good faith with which I and the President of Maranhão sustain, on the part of His Imperial Majesty, in our respective Provinces, the immunity of the said Treaties, did allow the British Agent and the Commander of the said Sloop-of-War, if they wished themselves to prevent the departure of that Vessel, they having also acquainted me of her appearance and anchoring in the said Bay, after shewing me the Communications of the British Consul in Maranhão to the President, and the Answer of the latter, whom the said Consul attempts to make responsible to His Imperial Majesty for having allowed that the said Brig should proceed from that Port to this, notwithstanding the reason given. You ought to be further informed, that the British Officers having, in an arbitrary manner, placed Guards on board the said Brig "*Pedro Primeiro*" in consequence of the reasons before stated, a short time after doing so, the Second Lieutenant of the Imperial and National Navy, Francisco Joze de Mello, and the Scrivener of

the Intendant's Office, Manoel Caetano Prestes, were both present on the spot, and I also transmit an account of what they observed, in conformity with my Orders, and the Despatch addressed to the Intendant of Marine on the 4th instant. And the said Brig with her Crew having been ultimately conducted and brought to this Anchorage by the British Guard, I communicated all this to the Commander of the Sloop-of-War, expressing my surprize at all the acts which surpassed my intention, and directing him to order that the said Brig, the Crew and every thing on board, should be delivered to the Military National Guard of the First Lieutenant of Artillery, Joze Maria de Campos, a Corporal and 12 Soldiers, the British Guard then retiring; all which was fulfilled.

From that time the said Lieutenant of Artillery had my orders not to allow any Person or thing to leave the said Brig, until you should send through me any orders. It is, therefore, understood, that the said Brig, and all which is in her, is from this time at your disposal, until the final Judicial Decisions upon the said objects.

It behoves me finally to inform you, that, in a Despatch addressed to me by the Commander of the British Sloop-of-War, I am informed that in the Bay of Saint Antonio, in another part of the Coast, Slaves were landed, although it appears that there were no indications of such proceedings, from the Declaration of the Brazilian Naval Officer, or from the enclosed Papers. You will, therefore, address yourself officially to those Quarters, or adopt any other course you may deem best, requesting from me every assistance you may think requisite for the better fulfilment of all that I, in this respect, intrust to you, under the greatest responsibility of the Laws, acquainting me finally with the ultimate result of this affair, in order, that, if necessary, I may communicate it to His Imperial Majesty. I also requiring from you forthwith the acknowledgment of this Despatch and its Enclosures. God preserve you,

(Signed) JOZE FELIX PEREIRA DE BURGOS.

*Doctor Joaquim Mariano Ferreira, Ouvidor pela Ley.*

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Second Enclosure (L.) in No. 90.

*Mr. Vice-Consul Hesketh to Mr. Consul-General Chamberlain.*

SIR,

*Pará, September 26, 1826.*

AS the Case of the Brazilian Brig, the "*Pedro Primeiro*," will no doubt speedily come to the knowledge of His Majesty's and the Brazilian Government, respectively, and as inconvenience may arise from garbled Statements being sent from hence to the Court of Rio de Janeiro on the subject, I have deemed it advisable to transmit to you full particulars of what has transpired here with regard to the same.

I have the honour to transmit you Copy of a Despatch, and its Enclosure, received from His Majesty's Consul at Maranhão, communicating the first intelligence of the said Brig "*Pedro Primeiro*'s" being concerned in the illicit Traffick in Slaves, and what had transpired there on the subject.

I forward you also Copy of my Despatch to the Consul at Maranhão, and its Enclosure, by which you will perceive that the said Brig was, under the sanction and authority of his Excellency the President of this Province, seized in the Bay of Saint Antonio, in this River, by the Boats of His Majesty's Ship the "*Primrose*," under the command of Octavius Vernon, Esq. and brought up to the Anchorage off this City, and finally delivered up to the Brazilian Government, with her Papers, for Adjudication.—

Also the Correspondence between his Excellency the President and myself relative to Captain Vernon, and the delay occasioned in his not transmitting earlier to his Excellency the Papers belonging to the Brig "*Pedro Primeiro*."—

Copies of the Correspondence between Captain Vernon and his Excellency the President, in which he amply vindicates all his proceedings.—

Copy of a Despatch from His Majesty's Consul at Maranhão, dated September 11, 1826, giving further particulars of the Brig "*Pedro Primeiro*."—

And Copy of my Correspondence with his Excellency the President, by which you will be informed of the matter's being finally referred to the Judicial Authorities of this Province.

It is needless for me at present to enter upon any comment on the subject, as you will better see the bearings of the Case by the perusal of the Documents herein transmitted you. I have the honour to be, &c.

*Henry Chamberlain, Esq.*

(Signed) JOHN HESKETH.

Third Enclosure in No. 90.

*Mr. Consul Hesketh to Mr. Consul-General Chamberlain.*

(Extract.)

*Maranham, October 28, 1826.*

IN reference to my Despatch, dated August 21st, a Duplicate of which I now transmit, with its Enclosures, I have further to state that the Brig "*Pedro Primeiro*," on leaving this Port, proceeded to the Bay of Tury, on the confines of the Province of Pará, where the Slaves were landed clandestinely.

This transgression induced me to address, on the 11th ultimo, the President of Pará, as well as the British Vice-Consul at that Port, and I beg leave to enclose Copies of both those Despatches.

Having afterwards information that some of the Negroes had been brought into this City, I again addressed the President of this Province; but his Excellency only returned an evasive answer, and furnished another proof of that conduct of which I have so frequently complained, in matters connected with the execution of the Slave-trade Treaties,

I beg leave to refer to the enclosed Copy of a Report I made of the occurrence, on the 14th instant, to Mr. Secretary Canning.

So far, every circumstance in this Port, concerning the Brig "*Pedro Primeiro*" has proved the illegality of that Vessel's voyage.

Fortunately, however, matters took a different course at Pará, as will be seen from the enclosed Copy of a Despatch from the British Vice-Consul at that Port, dated the 30th of September 1826, and its Enclosures. The accidental presence of His Majesty's Ship "*Primrose*," and the Officer-like and effectual manner in which her Officers executed the service which the President of that Province had allowed, placed the "*Pedro Primeiro*" in his Excellency's possession, under such clear proofs of a guilty Case, as forced his Excellency either to order a legal investigation, or incur a heavy responsibility. In this situation the President has expressed dissatisfaction at the conduct of the British Officers; and, on perusing the Correspondence between Captain Vernon and the President, that dissatisfaction appears most unreasonable.

From the President's Letter, dated Pará, September 17, 1826, addressed to the Vice Consul, it will be seen that every efficacious order has been given by his Excellency for the proper investigation of the Case of the "*Pedro Primeiro*;" and if the different subordinate Authorities, now individually responsible, do their duty, the result must be the condemnation of that Vessel.

I have also to acquaint you, that Manoel Antonio da Silva Brandao returned to this Place from Pará on board the "*Carolina*," intending to clear himself from the consequences of the seizure of the "*Pedro Primeiro*," and afterwards to proceed again in the "*Carolina*" to Africa. But this notorious Violator of all Law died on a bed of sickness and misery, on the 23d instant, and, in consequence of his death, the destination of the "*Carolina*" appears to be, at present, doubtful.

I have thus given you a full report of all which has transpired respecting the "*Pedro Primeiro*" up to this date, and I shall transmit a Copy of this Despatch to His Majesty's Secretary of State for Foreign Affairs.

*Henry Chamberlain, Esq.*

(Signed)

ROBERT HESKETH.



## No. 91.

*Mr. Consul Hesketh to Mr. Secretary Canning.—(Received Dec. 22.)*

SIR,

Maranham, October 30, 1826.

IN obedience to the Instructions contained in the Despatch of the Slave-trade Series, dated June 22, I have now the honour to transmit a Copy of the Despatch which I addressed, on the 29th ultimo, to His Majesty's Chargé d'Affaires at Rio de Janeiro, respecting the improper treatment suffered by the Negroes who arrived in the Schooner "*Carolina*."

I have the honour to be, &c.

(Signed) ROBERT HESKETH.

*The Right Hon. George Canning,*  
 &c.                      &c.                      &c.

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Enclosure in No. 91.

*Mr. Consul Hesketh to Mr. Consul-General Chamberlain.*

(Extract.)

Maranham, September 29, 1826.

IN reference to my former Despatch upon the subject, I have to state, that the abuses committed in respect of the freedom of the Negroes by the "*Carolina*" are still proceeding; and, I am informed, that Certificates of the burial of other Negroes have been cautiously procured by those who were entrusted with some of the free Negroes; so that, if ever these shameful proceedings are investigated, many more will be falsely reported as dead. Most of these Negroes are now in the Country, working as Field or Plantation Slaves.

*Henry Chamberlain, Esq.*

(Signed) ROBERT HESKETH.

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No. 92.

*Mr. Secretary Canning to Mr. Consul Hesketh.*

SIR,

Foreign Office, December 30, 1826.

YOUR Despatches of this Series, up to the 30th of October last, have been duly received.

I perceive with satisfaction, the continuance, on your part, of great vigilance and discretion in the execution of your Instructions, as to African Slave-trade; and, although your efforts for the prevention and the punishment of these illegal enterprizes have as yet been attended with but little success, I think it right to mark my sense of your conduct.

I am, &c.

*Robert Hesketh, Esq.*

(Signed) GEORGE CANNING.

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No. 93.

*Mr. Secretary Canning to the Right Hon. Robert Gordon.*

(Extract.)

Foreign Office, August 4, 1826.

I SEND to you a collection of State Papers, containing, among other matters, the various Papers which have been presented to Parliament upon the subject of the Slave-trade, since and including the Year 1815.

The extent of the Correspondence upon Slave-trade is so great, that I have found it necessary to direct that the Despatches which treat upon this subject

shall be formed into a separate Series, distinct from the general Series of the Despatches of the Year.

You will distinguish those of your Despatches, which treat directly or indirectly of the Slave-trade, from your Despatches which treat of other subjects, by heading the former with the words "Slave Trade," in the manner practised in the present Despatch, and numbering them, from first to last, as a separate Series.

(Signed) GEORGE CANNING.

*The Right Hon. Robert Gordon,*

&c. &c. &c.

No. 94.

*Mr. Secretary Canning to the Right Hon. Robert Gordon.*

SIR,

*Foreign Office, August 31, 1826.*

I SEND to you the Copy of a Despatch from His Majesty's Consul at Maranham, dated the 5th ultimo, reporting, that the Schooner, the "*Nove de Março*," had arrived there from the Cape de Verds, with a Cargo of 86 Slaves, and that they had been permitted to land under a false entry from Cabinda.

You will lay this matter before the Government of Brazil, in corroboration of the former accounts, tending to prove the disposition of the Authorities at Maranham, to encourage illegal Slave-trade, and you will urge them to take proper measures to prevent this continued and flagrant infraction of the Treaties, in opposition to the declared humane intentions of the Sovereign of Brazil.

I am, &c.

*The Right Hon. Robert Gordon,*

(Signed) GEORGE CANNING.

&c. &c. &c.

No. 95.

*Mr. Secretary Canning to the Right Hon. Robert Gordon.*

SIR,

*Foreign Office, September 7, 1826.*

IN reference to the Correspondence which you will find among the Archives of the Mission, upon the subject of the Schooner "*Carolina*;" I send you the Copy of a Letter from His Majesty's Consul at Maranham, dated the 30th June last, reporting the scandalous frauds which have been committed by the Trustee, under whose care the Negroes who were found on board of that Vessel were placed; many of them it appears were reported to be dead, in order that, instead of being liberated, they might be conveyed in secret to slavery, and those who would have been able to have gained their livelihood in the Town by handicraftship, had they been liberated, had been sent to Plantations up the Country, there to work for 14 Years.

Mr. Hesketh reported it as his opinion, that the lot of all will be a return to slavery.

You will bring this matter to the notice of the Brazilian Government, in order to induce an enquiry into the state of the Case, and endeavour to rescue these unfortunate Negroes from the slavery which seems to await them, and to procure the punishment of the different Individuals who have thus abused the power, with which they have been vested solely for the purposes of humanity.

I am, &c.

*The Right Hon. Robert Gordon,*

(Signed) GEORGE CANNING.

&c. &c. &c.

No. 96.

*Mr. Secretary Canning to the Right Hon. Robert Gordon.*

SIR,

*Foreign Office, September 22, 1826.*

MR. CONSUL HESKETH has transmitted to me, under date of the 15th and the 19th of July, further details upon the subject of the "*Nove de Março*," on which Case you were instructed in my Despatch of this Series, of the 31st ultimo.

These further details prove evidently a desire on the part of the Local Authorities at Maranhão to connive at the illegal Slave-trade, in which the Subjects of The Emperor of Brazil at that Place are concerned, and to evade the fulfilment of The Emperor's desire to suppress that Trade.

I have to instruct you to address a strong representation upon the subject to His Imperial Majesty's Ministers, urging them to issue Orders expressive of their serious disapprobation of such proceedings, which Orders may save these unfortunate Negroes from remaining in slavery, and put down the continuance of Slave-trade at Maranhão.

As Mr. Hesketh acquaints me that he has furnished His Majesty's Mission at Brazil with Copies of the Documents, which he sent here upon the Case, I do not transmit them to you. I am, &c.

*The Right Hon. Robert Gordon,*  
 &c.            &c.            &c.

(Signed) GEORGE CANNING.

## NETHERLANDS.

No. 97.

*Mr. Secretary Canning to Sir Charles Bagot.*

SIR,

*Foreign Office, March 13, 1826.*

WITH reference to the Treaty with the Netherlands for the prevention of the Slave-trade; I have to acquaint your Excellency that, by a Communication this day received from the Admiralty, it appears that the Instructions referred to in the said Treaty, have been issued to the following Ships and Vessels of His Majesty's Navy:—

Names.	Guns.	Commanders.
<i>Hussar</i> .....	46 .....	G. Harris.
<i>Brazen</i> .....	26 .....	G. W. Willes.
<i>Primrose</i> .....	18 .....	Oct. V. Vernon.
<i>Redwing</i> .....	18 .....	D. C. Clavering.
<i>Dispatch</i> .....	18 .....	Robt. W. Parsons.
<i>Ferret</i> .....	10 .....	Wm. Hobson.
<i>Conflict</i> .....	12 .....	Lieut. J. Chrystie.

And that the Instructions, which had been issued to His Majesty's Ships "*Pyramus*," "*Ariadne*," "*Bann*," "*Victor*," "*Ringdove*," and "*Grecian*," have been recalled, and cancelled.

I request that you will communicate this Statement to the Government of The King of the Netherlands. I am, &c.

(Signed) GEORGE CANNING.

*His Excellency Sir Charles Bagot, G. C. B.*  
 &c.                      &c.                      &c.

No. 98.

*Sir Charles Bagot to Mr. Secretary Canning.—(Received March 20.)*

SIR,

*The Hague, March 17, 1826.*

I HAVE had the honour to receive your Despatch (Slave-trade) of the 13th instant, and I have communicated to Monsieur de Verstolk, the Names and Force of His Majesty's Ships and Vessels, to which the Instructions referred to in the Treaty between His Majesty and The King of the Netherlands, for the prevention of the Slave-trade, have been given.

I have the honour to be, &c.

*The Right Hon. George Canning,*                      (Signed) CHARLES BAGOT.  
 &c.                      &c.                      &c.

No. 99.

*Mr. Secretary Canning to Sir Charles Bagot.*

SIR,

*Foreign Office, May 10, 1826.*

I SEND to your Excellency, for communication to the Netherlands Government, the accompanying Copy of a Despatch from His Majesty's Commissioners at Surinam, dated the 18th of January last,\* stating that there has

\* See Class A. No. 104.

been no Dutch Vessel-of-War of any description at Surinam since July 1825, and that reports were prevalent that Slave-ships were frequently off that Coast, and effected upon the Island illicit disembarkations of Negroes.

The Netherlands Government, when duly informed, will, doubtless, take prompt steps to prevent a recurrence of this violation of their Laws.

I am, &c.

(Signed)

GEORGE CANNING.

*His Excellency Sir Charles Bagot, G. C. B.*

&c.

&c.

&c.

No. 100.

*Sir Charles Bagot to Mr. Secretary Canning.—(Received May 15.)*

SIR,

*The Hague, May 12, 1826.*

I HAD the honour to receive last Night your Despatch of the 6th of this Month, transmitting to me printed Copies of the Papers presented to both Houses of Parliament, relative to the Slave-trade.

I have the honour to be, &c.

*The Right Hon. George Canning,*

(Signed)

CHARLES BAGOT.

&c.

&c.

&c.

No. 101.

*Sir Charles Bagot to Mr. Secretary Canning.—(Received May 21.)*

SIR,

*The Hague, May 19, 1826.*

I HAD the honour to receive on the 15th, your Despatch (Slave-trade) of the 10th instant, transmitting to me the Copy of a Despatch from His Majesty's Commissioners at Surinam, stating that there had been no Dutch Vessel-of-War upon that Station since the Month of July last.

I had an opportunity 2 days ago of acquainting M. de Verstolk with the information contained in that Despatch, and I yesterday addressed to him a Note, of which the enclosed is a Copy, upon the subject of it.

I have the honour to be, &c.

*The Right Hon. George Canning,*

(Signed)

CHARLES BAGOT.

&c.

&c.

&c.

Enclosure in No. 101.

*Sir Charles Bagot to the Baron de Verstolk.*

*The Hague, May 17, 1826.*

IN obedience to the Instructions which he has received from his Court, the Undersigned, &c. has the honour to transmit to his Excellency the Baron Verstolk de Soelen, Minister of Foreign Affairs, the enclosed Copy of a Despatch which has been addressed to His Majesty's Government, by His Majesty's Commissioners at Surinam, stating that, since the departure from that Coast of His Netherlands Majesty's Brig, "*Mercure*," in the Month of July last, no Dutch Ship of War had appeared off that Station, and that reports were very prevalent, that Slave Ships had frequently appeared in the neighbouring Waters, and had effected the illicit debarkation of Negroes upon the Island.

The assurances contained in the Note of his Excellency the Comte de Reede of the 12th July 1824, to Viscount Granville, upon the subject of the Naval Force to be maintained upon the Surinam Coast, and the promptitude

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invariably shewn by the Netherlands Government, to adopt every measure in their power for the suppression of the Traffick in Slaves, make it only necessary for the Undersigned to call the attention of M. de Verstolk to the information contained in the enclosed Letter, in order to engage his Excellency to give such directions as he may judge most effectual for the purpose of remedying the inconvenience of which it complains.

The Undersigned, &c.

(Signed)

CHARLES BAGOT.

*His Excellency the Baron de Verstolk,*  
&c. &c. &c.

No. 102.

*Mr. Secretary Canning to Sir Charles Bagot.*

SIR,

*Foreign Office, May 31, 1826.*

I SEND to you an Extract of a Despatch which I have received from Mr. J. T. Williams, His Majesty's Commissary Judge at Sierra Leone, dated the 20th March last,\* describing the facility with which Vessels, destined in reality for African Slave-trade, obtain in the Netherlands Colonies, Licences, which enable them to set out upon this nefarious undertaking with the appearance of a legal Traffick.

Your Excellency will lay this matter before The Ministers of The King of the Netherlands, who, I doubt not, will be earnest in transmitting Instructions to His Colonial Authorities, to prevent this virtual infraction of the humane Orders already subsisting against any Traffick whatever in Slaves on the part of Netherlands Subjects.

I am, &c.

(Signed)

GEORGE CANNING.

*His Excellency Sir Charles Bagot, G. C. B.*  
&c. &c. &c.

\* See Class A. No. 50.

No 103.

*Sir Charles Bagot to Mr. Secretary Canning.—(Received June 12.)*

SIR,

*The Hague, June 9, 1826.*

IN my Despatch (Slave-trade) of the 19th of last Month, I had the honour to transmit to you the Copy of a Note which I had addressed to Monsieur de Verstolk, upon the subject of the insufficiency of the Dutch Naval Force upon the Coasts of Surinam, to prevent the fraudulent Importation of Slaves.

I herewith enclose the Copy of an Answer to this Note, which I received 2 days ago, and by which it appears, that, since the Month of February last, the Dutch Brig of War "*de Valk*," has been cruizing upon that Station, and that measures have now been taken to insure in future the regular performance of this Service.

I received by the Mail which arrived last Night, your Despatch of the 31st ultimo, enclosing to me the Extract of a Letter from His Majesty's Commissary Judge at Sierra Leone, representing the facility with which Vessels, under a pretext of legal Traffick, but in reality destined for the African Slave-trade, obtain Licences from the Netherlands Colonial Authorities.

I shall take an immediate opportunity of bringing this matter under the notice of the Netherlands Government.

I have the honour to be, &c.

(Signed)

CHARLES BAGOT.

*The Right Hon. George Canning,*  
&c. &c. &c.

Enclosure in No. 103.

*The Baron de Verstolk to Sir Charles Bagot.**La Haye, le 6 Juin, 1826.*

LE Soussigné, Ministre des Affaires Etrangères, a mis sous les yeux du Roi l'Office qu'il a eu l'honneur de recevoir le 18 Mai dernier, de son Excellence Sir Charles Bagot, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique.

En transmettant la Copie d'une Dépêche des Commissaires de Sa Majesté Britannique à Surinam, son Excellence en avait pris occasion de rappeler la promesse de tenir constamment une Force Navale des Pays Bas, en Croisière à la hauteur de Surinam pour la répression du Commerce des Esclaves, et d'observer que, depuis le départ du "*Mercury*" en Juillet, il n'y avait plus eu de Bâtiment-de-Guerre du Roi dans ces Parages.

Le Soussigné, s'étant appliqué à recueillir sur cet objet les éclaircissemens nécessaires se trouve à même de porter à la connaissance de son Excellence, que des circonstances accidentales et imprévues ont seules causé l'interruption momentanée qui paraît avoir eu lieu, que depuis le commencement du Mois de Février dernier le Bric "*Le Faucon*" (De Valk) a établi sa croisière pour quatre Mois sur la Côte de Surinam, et que toutes les mesures ont été prises pour assurer constamment dans la suite la régularité de ce service.

Il aime à se flatter que l'empressement avec lequel les représentations de Monsieur l'Ambassadeur de Sa Majesté Britannique ont été accueillies, répondra à la confiance que son Excellence a bien voulu lui exprimer, qu'il suffirait de mentionner cet objet pour être sur que le Gouvernement des Pays Bas manifesterait de nouveau, son intention constante de surveiller et de réprimer par tous les moyens en son pouvoir, le commerce odieux des Esclaves.

Le Soussigné a l'honneur, &c.

(Signé) VERSTOLK DE SOELEN.

*Son Excellence Sir Charles Bagot,*  
 &c.      &c.      &c.

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(Translation.)

*The Hague, June 6, 1826.*

THE Undersigned, Minister for Foreign Affairs, has laid before His Majesty the Note which he had the honour to receive on the 18th May last, from his Excellency Sir Charles Bagot, Ambassador Extraordinary and Plenipotentiary of His Britannick Majesty.

In transmitting Copy a Despatch from His Britannick Majesty's Commissioners at Surinam, his Excellency took that opportunity to recall to the recollection of the Undersigned, the promise to maintain constantly a Naval Force from the Netherlands on the cruize off Surinam, for the suppression of the Traffick in Slaves, and to observe that since the departure of the "*Mercury*" in July, there had been no Ship-of-War belonging to The King in those Seas.

The Undersigned, having made the necessary enquiries on this subject, is enabled to inform his Excellency, that accidental and unforeseen circumstances have alone caused the momentary interruption which appears to have taken place, that since the beginning of the Month of February, the Brig "*Falcon*" (De Valk) commenced cruising for 4 Months off the Coast of Surinam, and that every measure has been taken to insure the constant regularity of this Service in future.

He flatters himself that the readiness with which the representations of His Britannick Majesty's Ambassador have been received, will correspond

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with the conviction, which his Excellency was pleased to express to him, that it was only necessary to mention the subject, to be assured that the Government of the Netherlands would manifest anew its fixed determination to watch over and repress, by every means in its power, the odious Traffick in Slaves.

The Undersigned has the honour, &c.

(Signed) VERSTOLK DE SOELEN.

*His Excellency Sir Charles Bagot,*  
&c. &c. &c.

No. 104.

*Sir Charles Bagot to Mr. Secretary Canning.—(Received June 16.)*

SIR,

*The Hague, June 13, 1826.*

ON the day of the date of my last Despatch (Slave-trade), I had an opportunity of speaking with M. de Verstolk, upon the subject of your Despatch, in which was enclosed to me the Extract of a Letter from His Majesty's Commissary Judge at Sierra Leone, respecting the abuse, as regarded the Slave-trade, of the Licences granted to Vessels by the Netherlands Colonial Authorities.

At the suggestion of M. de Verstolk, I have since addressed to him a Note, of which I herewith enclose a Copy, transmitting to him a Copy of Mr. William's representations to you upon this subject.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) CHARLES BAGOT.

Enclosure in No. 104.

*Sir Charles Bagot to the Baron de Verstolk.*

*The Hague, June 11, 1826.*

IN reference to the conversation which he had the honour to hold two days ago with the Baron Verstolk de Soelen, Minister of Foreign Affairs, the Undersigned, His Britannick Majesty's Ambassador Extraordinary and Plenipotentiary, has the honour to transmit to his Excellency herewith the Extract to which he then alluded, of a Letter which has been recently received by His Majesty's Government from Mr. J. T. Williams, His Majesty's Commissary Judge at Sierra Leone, representing the facility with which Vessels, under the pretext of being engaged in a legal Traffick, but in reality destined for the African Slave-trade, have of late found means of obtaining Licences in some of the Colonies of His Netherlands Majesty.

The Cases of this kind, which are cited in the enclosed Paper, will sufficiently prove to his Excellency M. de Verstolk, the extent to which the Flag of His Netherlands Majesty has been lately abused in this respect; and the Undersigned is well assured, that it is only necessary for him to call the attention of his Excellency to the details furnished by Mr. Williams, in order to induce his Excellency to cause such Instructions to be given to the proper Authorities in His Netherlands Majesty's Colonies, as may effectually prevent this virtual infraction of the humane Orders already subsisting against any Traffick whatever in Slaves, on the part of His Netherlands Majesty's Subjects.

The Undersigned, &c.

(Signed) CHARLES BAGOT.

*His Excellency the Baron de Verstolk,*  
&c. &c. &c.



## No. 105.

*Mr. Secretary Canning to Sir Charles Bagot.*

SIR,

*Foreign Office, July 21, 1826.*

IN reference to my Despatch to your Excellency of the 31st of May, of this Series, I send to you the accompanying Copy of a Despatch, dated the 4th of April,\* and of its Enclosures, which I have received from His Majesty's Commissary Judge at Sierra Leone, stating facts which confirm the account previously given, of the injurious facility with which Licences are granted by the Dutch Authorities at St. Eustatius, to Vessels whose Owners are thus enabled to carry on their fraudulent undertakings in African Slave-trade.

Your Excellency will be pleased to communicate these Papers to the Netherlands Minister, in corroboration of your former Note to his Excellency upon this subject.

I am, &amp;c.

(Signed) GEORGE CANNING.

*His Excellency Sir Charles Bagot, G. C. B.*

&amp;c.

&amp;c.

&amp;c.

\* See Class A. No. 56.

## No. 106.

*Sir Charles Bagot to Mr. Secretary Canning.—(Received July 27.)*

SIR,

*The Hague, July 25, 1826.*

I HAD yesterday the honour to receive your Despatch (Slave-trade) of the 21st instant, enclosing to me the Copy of a Despatch from His Majesty's Commissary Judge at Sierra Leone, containing further evidence of the facility with which Licences are granted by some of the Dutch Colonial Authorities to Vessels which are in reality engaged in the African Slave-trade.

I shall take an immediate opportunity of calling the attention of the Netherlands Government to the facts detailed in this Despatch, and in the Papers with which it is accompanied.

I have the honour to be, &amp;c.

*The Right Hon. George Canning,*

(Signed) CHARLES BAGOT.

&amp;c.

&amp;c.

&amp;c.

## No. 107.

*Sir Charles Bagot to Mr. Secretary Canning.—(Received July 31.)*

SIR,

*The Hague, July 28, 1826.*

I HAVE the honour to enclose to you the Copy of a Note which I yesterday addressed to the Baron de Verstolk, transmitting to his Excellency Copies of the Letter of His Majesty's Commissary Judge at Sierra Leone of the 4th of April, upon the subject of the Schooner "*Vogel*," Jean Blais, Master, together with Copies of all the other Papers which were contained in your Despatch (Slave-trade) of the 21st instant.

I have the honour to be, &amp;c.

*The Right Hon. George Canning,*

(Signed) CHARLES BAGOT.

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 107.

*Sir Charles Bagot to the Baron de Verstolk.**The Hague, July 27, 1826.*

THE Undersigned, His Britannick Majesty's Ambassador Extraordinary and Plenipotentiary, had the honour to transmit, in his Note of the 11th of

last Month, to his Excellency the Baron Verstolk de Soelen, Minister of Foreign Affairs, the Extract of a Letter received by His Majesty's Government from His Majesty's Commissary Judge at Sierra Leone, showing the injurious facility with which Licences were granted by some of the Netherlands Colonial Authorities, to Vessels which, under the pretence of Legal Commerce, were, in fact, engaged in the Traffick in Slaves.

In corroboration of the evidence furnished by this Letter, the Undersigned has now the honour to transmit to his Excellency, the Copy of a Despatch, with its several Enclosures, which has been since received from Mr. Williams, and which shows, even more clearly than his former Report, the great extent to which the Flag of His Netherlands Majesty is still abused in this respect.

The Undersigned has the honour, &c.

*His Excellency the Baron de Verstolk,* (Signed) CHARLES BAGOT.  
&c. &c. &c.

## No. 108.

*Mr. Secretary Canning to Sir Charles Bagot.*

SIR,

*Foreign Office, December 5, 1826.*

I HAVE to acquaint your Excellency, and to desire that you will apprise the Netherlands Government, that it appears by a Communication, under date of the 25th ultimo, from the Admiralty, that the Instructions referred to in the Treaty between Great Britain and the Netherlands, for the Suppression of Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy:—

Names.	Guns.	Commanders.
<i>Druid</i> .....	46	Lieutenant Chambers.
<i>North Star</i> .....	28	Captain Arabin.
<i>Scylla</i> .....	18	Wm. Hobson.
<i>Pylades</i> .....	18	G. V. Jackson.

And that those Instructions have been recalled and cancelled which had been issued to His Majesty's Ships "*Hussar*," "*Dartmouth*," "*Dispatch*," "*Ferret*," and "*Swinger*."

I am, &c.

(Signed) GEORGE CANNING.

*His Excellency Sir Charles Bagot, G. C. B.*  
&c. &c. &c.

## No. 109.

*Sir Charles Bagot to Mr. Secretary Canning.—(Received Dec. 18.)*

SIR,

*Brussels, December 15, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 5th instant, and I have this Morning delivered a Note Monsieur de Verstolk, acquainting him with the Names and Force of the Ships and Vessels of His Majesty's Navy, to the Commanders of which the Instructions referred to in the Treaty between the two Countries for the Suppression of the Slave-trade have been given.

I have the honour to be, &c.

*The Right Hon. George Canning.*  
&c. &c. &c.

(Signed) CHARLES BAGOT.

No. 110.

*Mr. Secretary Canning to Sir Charles Bagot.*

SIR,

*Foreign Office, December 29, 1826.*

I HAVE received the several Despatches of your Excellency of this Series, up to the 15th instant.

I send, herewith, to your Excellency, for your information, the Copy of a Despatch, and of its Enclosures, from His Majesty's Commissioners at Surinam, dated the 25th September,\* giving an account of the Measures which have recently been adopted in that Island for giving effect to the Decrees of The King of the Netherlands, as to the Registration of Slaves.

Your Excellency will take a proper opportunity of expressing to the Netherlands Minister the desire of The King, our Master, that The King of the Netherlands should be made acquainted with the warm satisfaction which His Majesty has felt in learning these repeated proofs of the cordial co-operation of His Netherlands Majesty, in giving effect to the Compacts between the two Countries for the entire Abolition of the Traffick in Slaves.

I am, &amp;c.

(Signed) GEORGE CANNING.

*His Excellency Sir Charles Bagot, G. C. B.*

&amp;c.

&amp;c.

&amp;c.

\* See Class A. No. 110.

## FRANCE.

No. 111.

*Viscount Granville to Mr. Secretary Canning.—(Received March 13.)*

SIR,

Paris, March 10, 1826.

I HAVE the honour to enclose the Answers that I have received to two Notes which I addressed to his Excellency the Baron de Damas, on the subject of French Vessels, under French Colours, trading in Slaves, and wherein I particularly signalized the Vessels "*Clarisse*" of Nantes, and the "*Deux Clementines*."

His Excellency, in thanking me for the Communication, informs me, that the French Government were already aware of the circumstances relative to the first-named Vessel, and, with regard to the other, that he had lost no time in transmitting my Communication to the Minister of Marine.

I have the honour to be, &amp;c.

The Right Hon. George Canning,  
&c. &c. &c.

(Signed) GRANVILLE.

First Enclosure in No. 111.

*The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR,

Paris, le 6 Mars, 1826.

J'AI reçu, avec la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 1<sup>er</sup> de ce Mois, la Pièce qui l'accompagnait, et qui signale, comme ayant été employé à la Traite des Noirs, le Navire "*La Clarisse*," de Nantes, Capitaine Camin, et non Gamé. Je ne puis que remercier votre Excellence de cette Communication. Le Gouvernement était déjà instruit des circonstances relatives à ce Batiment. Le Ministre de la Marine s'est empressé de faire prendre à cet égard des informations dont ses Instructions ne peuvent que hâter le résultat.

J'ai, &amp;c.

S. E. Le Vicomte Granville.  
&c. &c. &c.

(Signé) LE BARON DE DAMAS.

(Translation.)

MY LORD,

Paris, March 6, 1826.

I HAVE received, together with the Letter which your Excellency did me the honour to address to me on the 1st instant, the Document which accompanied it, and which designates, as having been employed in the Traffick in Slaves, the Ship "*La Clarisse*," of Nantes, Captain Camin, and not Gamé.

I cannot but thank your Excellency for this Communication. The Government was already informed of the circumstances relating to this Vessel. The Minister of Marine has lost no time in causing the necessary enquiries to be made upon the subject, of which his Instructions will not fail to hasten the result.

I have the honour, &amp;c.

(Signed)

THE BARON DE DAMAS.

His Excellency Viscount Granville,  
&c. &c. &c.

Second Enclosure in No. 111.

*The Baron de Damas to Viscount Granville.*

MONSIEUR L'AMBASSADEUR,

Paris, ce 6 Mars, 1826.

J'AI reçu la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 1<sup>er</sup> de ce Mois; à laquelle étaient jointes différentes Pièces qui, entr' autres Navires Français prévenus de faire la Traite des Noirs, sur la Côte Orientale d'Afrique, signalent particulièrement le Navire "*Les Deux Clementines*." Je me suis empressé de transmettre ces renseignements au Ministre de la Marine, avec invitation de leur la suite qu' exigent les circonstances qui y sont retracées, notamment dans la Déposition du Charpentier du Brick "*L'Eleanor*," John Hemston.

J'ai, &amp;c.

S. E. Le Vicomte Granville,  
&c. &c. &c.

(Signé)

LE BARON DE DAMAS.

(Translation.)

MY LORD,

Paris, March 6, 1826.

I HAVE received the Letter which your Excellency did me the honour to address to me on the 1st instant, enclosing several Documents, which, among other French Ships suspected of carrying on the Traffick in Slaves, on the Eastern Coast of Africa, particularly designate the Ship "*Les Deux Clementines*." I hasten to transmit this information to the Minister of Marine, with the request that he will take such steps as the circumstances therein described require, particularly with regard to the Deposition of the Carpenter of the Brig "*L'Eleanor*," John Hemston.

Accept, &amp;c.

(Signed)

THE BARON DE DAMAS.

His Excellency Viscount Granville,  
&c. &c. &c.

No. 112.

*Mr. Secretary Canning to Viscount Granville.*

MY LORD,

Foreign Office, March 14, 1826.

IN reference to my former Communications respecting the Slave-trade carrying on from the Port of Nantz, I now transmit to your Excellency an Extract of a Communication which I have received from the Admiralty, containing accounts of two Vessels, "*La Jeune Caroline*," and "*L'Evelina*," both belonging to Nantz, which have recently been met with by His Majesty's Cruizers upon the Coast of Africa, laden with Slaves, their cargo.

Your Excellency will communicate these facts to the Ministers of His Most Christian Majesty, and urge them to take measures for preventing the success of these disgraceful undertakings.

I am, &amp;c.

(Signed)

GEORGE CANNING.

H. E. Viscount Granville, G. C. B.

&amp;c. &amp;c. &amp;c.

Enclosure in No. 112.

*Commodore Bullen to J. W. Croker, Esq.*

(Extract.)

H. M.'s Ship "*Maidstone*,"  
Sierra Leone, Dec. 18, 1825.

ON the 23d of September, after a chase of 36 hours, I examined "*La Jeune Caroline*," of Nantz, with a cargo of 499 Slaves, bound to Martinique, and, on the 29th, the "*Redwing*" boarded "*L'Evelina*," of the same Place, with 203 Slaves, on her way to Guadaloupe.

J. W. Croker, Esq.

(Signed)

CHARLES BULLEN.

&amp;c. &amp;c. &amp;c.

## No. 113.

*Viscount Granville to Mr. Secretary Canning.—(Received March 23.)*

SIR,

Paris, March 20, 1826.

I HAVE the honour to acknowledge the Receipt of your Despatch, marked Slave-trade, of the 14th instant, and I lost no time in addressing a Note to His Excellency the Baron de Damas upon the subject of it. The Enclosed is a Copy. I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) GRANVILLE.

Enclosure in No. 113.

*Viscount Granville to the Baron de Damas.*

MONSIEUR LE BARON,

Paris, March 18, 1826.

I HAVE the honour to transmit to your Excellency the Extract of a Communication, which has been received by His Majesty's Government, containing accounts of two Vessels "*La Jeune Caroline*" and "*L'Eveline*," both belonging to Nantz, which have recently been met with by His Majesty's Cruizers upon the Coast of Africa, laden with Slaves, their Cargo.

I avail myself, &amp;c.

*His Excellency the Baron de Damas,*  
&c. &c. &c.

(Signed) GRANVILLE.

## No. 114.

*Mr. Secretary Canning to Viscount Granville.*

(Extract.)

Foreign Office, March 28, 1826.

BY Accounts from Nantz, dated the 21st instant, it appears that the prohibition against the sailing of Vessels from that Port, destined for carrying on the Slave-trade, has been of very short duration.

(Signed)

GEORGE CANNING.

*His Excellency Viscount Granville, G.C.B.*  
&c. &c. &c.

## No. 115.

*Viscount Granville to Mr. Secretary Canning.—(Received March 30.)*

SIR,

Paris, March 27, 1826.

THE *Moniteur* of yesterday contains the Report of a Debate in the Chamber of Deputies, which augurs ill for the effectual abolition of the Slave-trade by the French Government.

Two Petitions, most respectably signed, were presented not long since to the Chamber, stating the increased and increasing activity of this Trade from the Ports of France; exposing, in forcible terms, the horrors which resulted from the disgrace which it attached to the French Flag; and representing the inefficiency of the measures at present employed by the Government for its repression.

The Committee, which reported to the Chamber upon the Contents of this Petition, countenanced the object of it, (not however without conveying an

insinuation against the purity of the motives of those who originally urged the Abolition of the Slave-trade) by proposing that it be referred to the President of the Council of Ministers.

This proposition was strenuously supported by 2 of the Members of the Liberal Party, General Sebastiani, and M. Benjamin Constant, but M. Dudon (a Ministerialist,) after a speech, in which he inveighed against the hypocrisy of the English, and maintained that the Slave-trade was carried on chiefly by British Vessels, moved the order of the day, and this Motion was adopted by the Chamber.

I observed with regret that the French Minister, at the same time that he declared the sincere intention of his Government to abolish the Trade, and cited various Acts of the French Administration to prove that sincerity, expressed an opinion decidedly hostile to the enactment of any new Legislative Measure imposing severer penalties on the crime of Slave-trading.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) GRANVILLE.

No. 116.

*Viscount Granville to Mr. Secretary Canning.—(Received May 15.)*

SIR,

*Paris, May 12, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 6th instant, enclosing a Copy of Papers, marked A. and B., relative to the Slave-trade, which have been presented to both Houses of Parliament by His Majesty's Command, in the course of the present Session.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) GRANVILLE.

No. 117.

*Mr. Secretary Canning to Viscount Granville.*

MY LORD,

*Foreign Office, May 16, 1826.*

I SEND to your Excellency the Copy of a Communication received by the Admiralty from the Commodore of His Majesty's Squadron on the Western Coast of Africa, representing the prevalence of a practice, on the part of the illegal Slave-traders on that Coast, of providing themselves with a double Set of Papers, one of which is stated to be uniformly French, for the sake of defending themselves against the Cruizers of other Powers.

Commodore Bullen brings forward the particulars of 4 Cases of this nature, which have recently come to his knowledge; and adds, that he can assert with confidence that 2 out of 3, of French Vessels boarded by his Squadron, within the last 6 Months, have used this method for avoiding the punishment due to their illegal undertakings.

The French Government will see that misunderstandings must arise between the Subjects of the 2 Nations, when, although under every feeling of respect to the French Flag, His Majesty's Officers meet with Vessels, furnished, under suspicious circumstances, with double Sets of Papers, one of which must necessarily be simulated; and on this account, as well as on the score of humanity and of respect to the Flag of France, His Majesty trusts, that His Most Christian Majesty will not be slow in taking what measures may be practicable, for preventing so flagrant an abuse of the French Flag and National Character.

I am, &c.

*H. E. Viscount Granville, G. C. B.*  
&c. &c. &c.

(Signed) GEORGE CANNING.

Enclosure in No. 117.

*Commodore Bullen to J. W. Croker, Esq.*(Extract.) *H. M. S. "Maldstone," Sierra Leone, Jan. 28, 1826.*

THE "Conflict" has also sent in the Dutch Brig "Charles," with 266 Slaves, captured by her Boats in the Old Calabar River, on the 19th ultimo. The circumstances under which this Vessel was detained must evidently tend more to convince their Lordships of the barefaced and open manner in which the Slave-trade is carried on under the Flag of the French Nation, which, it would appear, allows it thus to be insultingly made use of. On Mr. Deschamps Admiralty-Mate of the "Conflict," boarding her, she shewed French Colours and Papers, designating her the "Eugene," of Nantz, and manned with Frenchmen and Americans. After leaving her he proceeded to examine 4 other French Vessels which were lying above her, and having received slight information of her being provided with 2 sets of Papers, returned again on board; she still shewing French Colours and Papers; but, upon searching the Master's writing-desk, the Dutch Papers were found concealed, wherein she is called the "Charles," of St. Eustatius.

This must really point out to their Lordships the dupes that His Britannick Majesty's Ships are made of on this Coast, by these inhuman wretches, who escape detection merely by shewing a White Flag, and at the same time the painful restriction and trying circumstances under which a British Officer has to perform his duty, to prevent a misunderstanding arising between the two Governments, by which he might be called to an account; and it is with the utmost confidence I assert, that 2 out of 3, of French Vessels boarded by His Majesty's Squadron under my orders, within the last 6 Months, have been invariably supplied with 2 sets of Papers. As a proof, I have been since credibly informed, that "La Félicité," boarded, with 200 Slaves, by the "Atholl," and "Eclair" and "Modeste," by the "Brazen," the former with 169, and the latter with 269 Slaves, belonging to the same Houses as the "Z" and "Venus," (both found with double sets after capture by myself and Captain Murray) were provided with them in the same manner.

*J. W. Croker, Esq.*  
&c. &c. &c.

(Signed) CHARLES BULLEN.

No. 118.

*Viscount Granville to Mr. Secretary Canning.—(Received May 29.)*

SIR,

*Paris, May 26, 1826.*

I HAVE to acknowledge the receipt of your Despatch, marked Slave-trade, of the 16th instant, and I have, in consequence, addressed a Note, of which the enclosed is a Copy, to the French Government, representing the nefarious proceedings of the Slave-dealers on the Coast of Africa, who, being provided with 2 sets of Papers, one of which is stated to be uniformly French, thereby defend themselves against the Cruizers of other Powers, and thus avoid the punishment due to their illegal undertakings.

I have the honour to be, &amp;c.

*The Right Hon. George Canning,*  
&c. &c. &c.

(Signed) GRANVILLE.

Enclosure in No. 118.

*Viscount Granville to the Baron de Damas.*

MONSIEUR LE BARON,

*Paris, May 24, 1826.*

I SEND to your Excellency the Copy of a Communication received by the Admiralty, from the Commodore of His Britannick Majesty's Squadron



on the Western Coast of Africa, representing the prevalence of a practice, on the part of the Slave-traders on that Coast, of providing themselves with a double set of Papers, one of which is stated to be uniformly French, for the sake of defending themselves against the Cruizers of other Powers.

Commodore Bullen brings forward the particulars of 4 Cases of this nature, which have recently come to his knowledge, and adds, that he can assert with confidence, that two out of three French Vessels, boarded by his Squadron, within the last six Months, have used this method of avoiding the punishment due to their illegal undertakings.

The French Government will see that there is great danger of misunderstandings arising between the Subjects of the two Nations, when His Majesty's Officers meet with Vessels, furnished, under suspicious circumstances, with double sets of Papers, one of which must, necessarily, be simulated; and on this account, as well as on the score of humanity, and of respect to the Flag of France, His Majesty trusts, that His Most Christian Majesty will immediately take measures for preventing so flagrant an abuse of the French Flag, and National character.

I avail myself, &c.

(Signed) GRANVILLE.

*His Excellency the Baron de Damas.*

&c.

&c.

&c.

### No. 119.

*Mr. Secretary Canning to Viscount Granville.*

MY LORD,

*Foreign Office, June 22, 1826.*

I SEND to your Excellency, for communication to the Government of His Most Christian Majesty, the accompanying Copy of a Despatch, which I have received from His Majesty's Consul at Bahia, dated the 17th February,\* enclosing Copies of Letters which had passed between the French Consul at that Place and himself, on the subject of the chartering French Vessels for the Coast of Africa, which Vessels are proceeding thither under circumstances which evidently designate their undertaking, as a voyage for the purposes of illegal Slave-trade.

His Majesty's Government hope that the French Government will enquire into this matter, and give such Orders as are compatible with the present state of the French Laws for the prevention of these nefarious undertakings.

I am, &c.

(Signed)

GEORGE CANNING.

*His Excellency Viscount Granville, G. C. B.*

&c.

&c.

&c.

\* See No. 61.

### No. 120.

*Viscount Granville to Mr. Secretary Canning.—(Received July 3.)*

SIR,

*Paris, June 30, 1826.*

I HAVE the honour to acknowledge the receipt of your Despatch, marked Slave-trade, of the 22d instant; and in obedience to your directions I lost no time in addressing a Note upon the subject of it to his Excellency the Baron de Damas, of which the enclosed is a Copy.

I have the honour to be, &c.

*The Right Hon. George Canning,*

&c.

&c.

&c.

(Signed)

GRANVILLE.

Enclosure in No. 120.

*Viscount Granville to the Baron de Damas.*

MONSIEUR LE BARON,

Paris, June 26, 1826.

I HAVE the honour to transmit to your Excellency the accompanying Copy of a Despatch I have received from my Government, covering one from His Majesty's Consul at Bahia, which details a communication between the Consul of His Most Christian Majesty at that Place, and himself, on the subject of French Vessels chartered for the Coast of Africa, which Vessels were proceeding thither, under circumstances which evidently designated their undertaking as a voyage for the purposes of illegal Slave-trade; and I have to express the hope of His Majesty's Government, that the French Government will enquire into this matter, and give such Orders as are compatible with the present state of the French Laws, for the prevention of such nefarious undertakings.

I avail, &amp;c. &amp;c.

(Signed)

GRANVILLE.

*His Excellency the Baron de Damas.*

&amp;c.      &amp;c.      &amp;c.

No. 121.

*Viscount Granville to Mr. Secretary Canning.—(Received Dec. 13.)*

SIR,

Paris, December 11, 1826.

I HAVE the satisfaction to acquaint you, that it is the intention of the Government of His Most Christian Majesty to propose a new Law this Session, for the more effectual prevention of Slave-trading by the Subjects of France.

I understand that, by this Law, the pain of banishment from France will be inflicted on all Persons convicted of being in any way concerned in the Traffick of Slaves.

I have the honour to be, &amp;c.

(Signed)

GRANVILLE.

*The Right Hon. George Canning,*

&amp;c.      &amp;c.      &amp;c.

No. 122.

*Mr. Secretary Canning to Viscount Granville.*

MY LORD,

Foreign Office, December 29, 1826.

I HAVE received your Excellency's Despatches up to the 11th instant.

His Majesty's Government receive, with much satisfaction, the information contained in your last Despatch that a Law will this Session be proposed in France, for the more effectual prevention of Slave-trading by the Subjects of that Power.

I am, &amp;c.

(Signed)

GEORGE CANNING.

*His Excellency Viscount Granville, G. C. B.*

&amp;c.      &amp;c.      &amp;c.

44.

**SWEDEN.**

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**No. 123.***Lord Bloomfield to Mr. Secretary Canning.—(Received June 7.)***SIR,***Stockholm, May 26, 1826.*

**I HAVE** the honour to acknowledge the receipt of your Despatch, marked Slave-trade, enclosing Copies of the Papers, A and B, relative to the Slave-trade, which have been presented to both Houses of Parliament.

I have the honour to be, &c.

*The Right Hon. George Canning,*  
    &c.      &c.      &c.

(Signed) **BLOOMFIELD.**





GENERAL ALPHABETICAL

**I N D E X**

TO THE

PRINTED BILLS, REPORTS, ESTIMATES,  
ACCOUNTS AND PAPERS,

OF

**S E S S I O N**

**21 November 1826—2 July 1827.**

**1826—7.**

TWENTY-SIX VOLUMES:—VIZ.

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